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The American
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Vol. XVII FEBRUARY, 1923 No. 1

LIBERTY AND EQUALITY IN INTERNATIONAL RELATIONS[1]

WILLIAM A. DUNNING

In the question of liberty and equality we are at the very root of all political science. Nothing is so fundamental as the problem of authority and liberty. In no age or place has discussion of state and government proceeded without the express or tacit assumption of dogmas as to the essence and relationship of the conceptions of liberty, equality and authority. And the dogmas on these subjects have not been confined in their application to the affairs of individuals. They have constituted the foundation of theory and of practice in the affairs of those aggregations of individuals that constitute governments, states and nations. It is therefore my purpose to devote myself here to some consideration of the manifestation and influence of the conceptions of liberty and equality in the field of international relations.

I

The genius of classical Hellas, which produced the first systematic science of politics, failed to produce much that can be thought of as international law. Of international relations there was enough and to spare; but while Hellas seethed with the rivalries, ambitions and wars of the little states, its speculative activi-

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ties were chiefly concerned with the ideal of an internal organization so balanced and perfect as to render the city-state self-sufficient, secure and hence indifferent to what went on beyond its limits. In practice independence was the goal of the political life of the city. This kept the Greeks from subjection to the Persians, and it kept them also from any national consolidation of their own. But this Hellenic liberty, so boasted in song and story, had in it no suggestion of equality. It was a unilateral liberty—a security against oppression from the stronger, but implying no restraint on the application of oppression to the weaker. It was liberty that implied dominion. The Athenian state imposed upon subject states a servitude much like that which itself narrowly escaped suffering under the Persian king. The Spartan empire was a heartless despotism. When Philip and Alexander made the pretensions of the Hellenic cities to independence ridiculous, the Greek spirit sought consolation in the Stoic and Epicurean idea that for real liberty political and social relations did not matter at all, but only the intellectual exaltation of the philosopher. The only free man was the sage and the only equality worth considering was that which prevailed among those who should have attained to sage-like wisdom.

Liberty in republican Rome was like that in Hellas. It was the attribute of a master, not of an equal. It rested on slavery, on conquest. Even the gentle Vergil could conceive no loftier mission for Rome than to lord it over the peoples—to be lenient to those that submitted, but harshly to humble the proud.

> Tu regere imperio populos, Romane, memento:
> . . . . . .
> Parcere subjectis et debellare superbos.

With the compacting of the empire, however, the way was prepared for new ideas. For centuries no rival contested the supremacy of the *populus Romanus*. Gradually all the civilized peoples of the earth became elements of the Roman people; all freemen became citizens of Rome, and all thus became equal under the law of Rome. Though this law might be the will of the prince, and though liberty under it was still the liberty that

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implied dominion over slaves, yet the scope of equality and the consciousness of it vastly exceeded the conditions of any earlier time. Then came from the very center of authority, from the judicial council chamber of the prince himself, the fateful doctrine that by nature all men are both free and equal, that subjection and dominion are not normal in the universe. Christianity came soon to confirm and explain this dogma. God, the Christians said, had made man free and imposed the law of his life, but man had failed to keep this law, sin had entered the world, and therefore slavery and all forms of dominion had become the lot of humanity. Before the ineffable might and majesty of the Creator all men were indeed equal; but as part of His plan to save them from the consequences of their transgression authority of man over man was ordained in this life.

Through the career of ancient Rome, thus, the fact of a very widespread equality had been impressed upon the consciousness of civilized man, and the doctrine of a liberty that did not imply dominion had entered into political and social speculation. Moreover, international relations had practically ceased to exist. Where the fact and the ideal of the Greek period had been a congeries of city states in unending competition for the liberty that meant dominion, imperial Rome impressed upon history the conception of world-wide unity and peace, under the sway of the Roman prince and the Christian God.

With the influx of the Germanic tribes and the establishment of their rival kingdoms on the territory of the empire, the *pax Romana* disappeared and pre-imperial conditions prevailed among the peoples. Incessant wars of the Goths, the Vandals, the Lombards and the Franks for the liberty that meant dominion obliterated the fact, and all but extinguished the ideal, of political unity under the Roman prince; the sweep of the Arabs through Africa and Spain threatened the supremacy of the Christian God. At the end of the eighth century the Franks, having triumphed over Lombards and Arabs, established a power which under Charlemagne renewed the forms and revived the ideals of the Christian Roman empire. But unity and peace were evanescent. With the death of Charlemagne his empire began

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to fall to pieces. Christian Europe became a mass of principalities, great and little, recognizing a shadowy suzerainty in an emperor, but proclaiming in practice their liberties and so asserting them as to render peace no less a mockery than unity. This period of feudal anarchy reproduced in many respects the conditions of ancient Hellas. There was no slightest suggestion of equality in the liberty that was sought and maintained. The most cherished element in the liberty of the baron as against the king was the right to suppress a rival baron or to oppress a rich or ambitious vassal.

In the prevalence of feudal atomism there was one element that preserved the semblance of a path to a different system. That was the idea of agreement, consent, contract, which was involved in every relation of lord and vassal. A fief was bestowed on terms of service; homage was done on terms of protection. There was thus in the relation of undoubted superior to undoubted inferior an implication that the relation existed by virtue of the will of both parties. This stood in direct antithesis to the tradition of the Christian empire; for the authority of the emperor was conceived to be the bestowal of God, testified to by the church and to involve no consideration of sinful men. Such a divine right was the idea on which a reintegration of Europe proceeded under the German emperors from the tenth to the thirteenth century. The process in this manner definitively failed with the extinction of the Hohenstaufen, but it continued under the operation and adaptation of the feudal principle.

From the thirteenth to the sixteenth century the idea of Christian unity under the emperor faded into both theoretical and practical insignificance. Reintegration continued, however, till the greater part of the old principalities were consolidated into the four dynastic and quasi-national monarchies of France, Spain, England and Germany. This was a result of long and complicated warfare and of not less strenuous internal politics. Out of these developed new conceptions of liberty and equality in respect to both individuals and governments. The English, French and Spanish monarchs had established their supremacy over the other princes in their respective dominions only after

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conflicts in which the liberty of the subject often triumphed over the will of the king. Through the English Parliament, the French Estates-General, and the Spanish Cortes, the nobility and townsmen long thwarted the movement toward absolutism, and asserted that the monarch's authority was determined by what they conceded to him, that their liberty, not his will, was the law of the land. But when the Tudor or the Bourbon or the Hapsburger became firmly seated on his throne he scorned to acknowledge any source of his majesty save that grace of God which had been the peculiar distinction of the old imperial power. The doctrine prevailed that every monarch participated alike in this grace of God, and that all monarchs thus were equal to the emperor and to one another. This is the origin of the foundation on which modern international law was built up—the equality of states. We shall see later on that this dogma was contemporaneous and causally connected with the dogma that all men are equal.

II

The principle of political science on which the equality of states was at last firmly fixed and on which it rests today is the principle of sovereignty, and the philosopher who by first formulating this principle as the basis of the state, gave system to the modern science of politics was the Frenchman Jean Bodin. His work on the state was published in 1576. It cut loose from both the ultra-classical and the medieval forms that had determined political speculation and projected a theory that was adapted to the conditions of his time.

The essence of a state, Bodin held, was sovereignty. No association of human beings that lacked a sovereign power could be called a state; and every association in which such a power could be found must be a state, no matter whether the actual possessor of the power was an individual or any more or less numerous group of individuals. And what is this sovereignty that is the unfailing mark of a state? Sovereignty, Bodin defines, is supreme power over citizens and subjects, unrestrained by the laws. The sovereign is the man or group of men in a given society

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who in last analysis conduct the affairs of the society—make its laws—with no superior to be responsible to save God Almighty.

From this definition how perfectly logical is the conclusion that all states are equal! The essence of a state is unqualified supremacy in its affairs. In this respect the emperor, whatever the traditional dignity or actual resources that are his, is no more and no less the head of a state than the city council of tiny Ragusa. In the forum of God or of Nature, in divine or in natural right, the one can claim no distinction over the other. Monarchies, republics, aristocracies, oligarchies, democracies, tyrannies, despotisms—all alike are states in the eyes of political science so far as they exhibit a sovereign power. Internal organization—government as distinct from sovereignty—has nothing to do with the matter. Nor has the social, religious, racial or other diversity prevailing among the subjects of the sovereign. Bodin's theory admits nothing of nationalism in the conception of the state. A multitude of cities, provinces, duchies, kingdoms, showing an endless diversity of language, institutions and laws, is no less and no more of a state than the most homogeneous community, provided that both exhibit a sovereign power.

Such was the theory of the state that, put forth half a century before Grotius wrote the *Law of War and Peace*, retained its celebrity in Grotius' time, and contributed no mean part to all the speculation that accompanied the development of international law. It is not hard to criticize the work of Bodin. He is somewhat less than perfectly consistent at some points. He does not conceal his belief that monarchy is on the whole the most useful form of state, and this leads him at times to ascribe to the monarch an authority that should properly be attributed only to the sovereign. Moreover, he does not conceal a becoming priority of interest in the French monarchy and its affairs, so desperately anarchic in his day, and he leaves it perfectly clear that his dogma on sovereignty has a special application to the need of maintaining the royal supremacy in France. And finally it may be said that he was philosophizing in the air, out of touch with terrestrial realities, when he propounded doctrine that would establish a necessary parity of any sort among the great and the small powers of Europe, when disparity was everywhere the

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glaring rule. As to this it need only be pointed out that his doctrine in this respect was adopted by the whole line of thinkers who in the seventeenth century created the science of international law, and that the basis of the doctrine was the law of nature, whose sway in human affairs Bodin, and all the rest of the thinkers referred to, unquestioningly admitted. This law of nature was playing a large part at this very time in another division of political science, and was there also emphasizing the idea of equality. Having considered somewhat the history of the doctrine that all states are equal, let us turn to the progress of the idea that all men are equal.

The last quarter of the sixteenth century was a period of furious warfare in western Europe, involving religious, political and national antipathies and animosities. Especially productive of trouble was the problem of authority where a prince and his subjects were of different religious creeds. If a ruler was Catholic, his Protestant subjects found reasons to denounce and resist him as a tyrant. If the ruler was Protestant, his Catholic subjects rejected his authority on the same ground. Out of this situation arose a powerful assault on the whole theory of monarchy and the accepted source of political power. A brilliant and profound body of controversial literature, to which Calvinists and Jesuits were the most effective contributors, gave vogue to the dogma that the authority of a prince was never original and irresponsible, but came actually from the people. At the base of every social or political organization, it was maintained, lies the voluntary action, formal or informal, express or tacit, of the individuals who constitute the aggregate. From this spring flows all the authority that is vested in kings and senates and assemblies and in any species of governmental organ.

Thus sovereignty in last analysis was traced by the anti-monarchic philosophers to the people. But was this the end of the analysis? Might it not be asked: Granting that power to govern is bestowed by the people, how did the people get it to bestow? To answer this all the anti-monarchic theorists fell back on the dictum of the Roman jurist that all men are by nature

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free and equal. As an isolated individual a human being may control his own conduct, but no one else's. But the ancient dictum is also true that man is by nature a social being. Of necessity the individual seeks association with his kind; of choice he joins with others in determining the rules and regulations—the law—under which their social union shall subsist. Thus authority comes into existence. So far as its exercise is vested in any single individual, he is but the agent of his subjects for their own interest. As one of the ablest anti-monarchic writers declares:

"It is clear . . . . that men who are by nature free, impatient of subjection and born rather to command than to obey, have not deliberately chosen submission to another . . . . except for the sake of some great advantage."

From the time we have been dealing with down almost to the present day the sort of thinking just illustrated dominated political speculation. It accompanied and largely promoted the great social and political revolutions throughout the world. On the principle of popular sovereignty, absolute monarchy has given way to constitutional monarchy, and monarchy in general has been superseded by republics. The dogma that all men are equal has played its large part in such political transformations; it has played a large part also in the disappearance of serfage and slavery from most of the earth. With such a record it would be strange indeed if the idea of equality should not be found to have been a potent influence in shaping ideas of international relations. In the same law of nature that the Roman jurist found asserting that all men were equal, the law of nations as it took its modern shape found the ground of its principle that all sovereigns, that is, all states, are equal.

III

Thus the blending of the idea of equality with that of liberty has been a concomitant of what we call the advance of modern civilization. The doctrine that all men and all sovereign states are free and equal has been used to undermine and bring to ruin systems and institutions based on the liberty that means domin-

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ion. It has replaced them with systems and institutions assuming to guarantee the liberty that means equality. On the side of destruction the effectiveness of the principle is beyond all question. Is the same true of the constructive side? Has the spread of our vaunted constitutionalism, republicanism, democracy, brought, in either internal or international relations, the equality, order, harmony and peace that were predicted? Let us run over the record.

First, as to the internal affairs of the nations. Consider France and England. That all men are both free and equal was asserted in France in the sixteenth century as the principle of an effort to break the ecclesiastical and political unity of the French realm. A period of fierce civil war was followed by the absolutism of the Bourbons, in which neither liberty nor equality had any place whatever. Two centuries later the dogma became the battle cry of a movement that through another hundred years produced continuous disturbance and a dozen revolutions; and today the demand for liberty and equality is as passionate and sincere from the socialists and anarchists as it was from Calvinists and Jesuits in 1572 and from Girondists and Jacobins in 1792.

In England the record is much the same. Two revolutions in the seventeenth century; the loss of the American colonies in the eighteenth; intense economic and social struggles throughout the nineteenth—all rooted in the longing by somebody for equal rights with somebody else, and all followed, when any measure of success is attained, by the cry that the successful one is trampling upon the liberty of a third party. And always the charge is in some measure well-founded. The nobility, having secured liberty for themselves, scorn and oppress the commons or the commercial bourgeosie; these, successful in turn, oppress the industrial class; the captains of industry assert their equal liberty, but scoff at the claims of their workingmen. This process, illustrated by France and England, history shows to have been general. It seems as if the repulsive dictum of old Thomas Hobbes would have to be accepted as the verdict of history, that the sole basis of human actions is "a perpetual and restless desire

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of power after power; that ceaseth only in death." And it is only as a cover for this that the demand for the liberty that means equality is so continuously put forward; what is sought in reality is the liberty that means dominion.

This conclusion of political science which is so well supported by the internal history of states is not less surely sustained by the record of international relations for the same time. In the sixteenth century, through the Protestant revolt, the ecclesiastical unity of Christian Europe was as completely ruptured as its political unity had been by the impotency of the empire. The moral and religious hegemony of the Pope, which had long been an important factor in the adjustment of affairs among the states, ceased to function extensively in that field. Europe reproduced the condition of the Hellenic world two thousand years before,—a great number of independent sovereignties, acutely jealous of their equal liberties, and keen to extend their powers; while to the eastward loomed the bulk of semi-European Russia, threatening the rôle of semi-Hellenic Macedon; and to the southward the alien Turk, like the Persian of the earlier age, ever encroached on the domains of his warring and disintegrated adversaries.

The Thirty Years' War, with its widespread ruthlessness and protracted horrors, was the logical result of the general situation. In the Peace of Westphalia that ended the armed strife the principle of equal rights for sovereigns received adequate recognition. At the same time appropriate opportunity was provided for the claim to superior authority by the stronger. A multitude of principalities and city republics in Germany were freed from even nominal subjection to the emperor and received recognition as full-fledged sovereigns; Protestant states assumed the equal position that had been theirs in fact but not in theory; the preeminence of Pope and Emperor alike among the powers, was reduced to a shadow; Sweden, Brandenburg, the Dutch Republic, and other sovereign states assumed a new prominence that was destined to make their interests and ambitions a large factor in international relations.

From the middle of the seventeenth till well into the eighteenth

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century Europe was desolated by wars that sprang chiefly from the purpose of Louis XIV to establish and maintain the superiority of France over the other sovereigns, just as his father and Richelieu had warred against the superiority of the Hapsburg emperor. The purpose was thwarted by the arrangement and rearrangement of alliances among the threatened sovereigns so as to oppose effective resistance to the dangerous one. The balance of power became the principle of international relations. Its obvious basis was equality; but it as obviously did not avail to preserve peace and order in Europe. The eighteenth century hardly yielded to the seventeenth in the scope and destructiveness of its wars. Because commerce and colonies had become particular sources of power and marks of distinction, the remotest corners of the whole earth were vexed by the rivalries of Europe. The balance of power often served as the cover for shameless aggression. The Hohenzollern king claimed and took a province from the Hapsburg queen to even up the balance between them; and shortly after, to settle the matter, white men and red men were scalping each other in the Mohawk valley and on the banks of the Monongahela. Such were the strange consequences of the doctrine that all sovereigns were equal.

Meanwhile learned and thoughtful men had given body and system to conceptions that were designed to correct the worst evils of the practice that prevailed. Through Grotius, Pufendorf and their successors international law had taken shape and had begun to command the attention and interest of statesmen as well as philosophers. It presented the rules that should control even sovereigns, since those rules were derived from the law of nature and of nations, or, in other words, from the moral law and the experience of intercourse between states. They were obligatory because they expressed what was indispensable to the existence of human society. They called for the reciprocal recognition by states of one another's sovereignty, autonomy and territorial integrity—otherwise life, liberty and property—and for the keeping of the faith of treaties as the only guaranty of orderly relations among equals. From these premises an admirable body of principles were deduced that should maintain peace,

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justice and reason in the intercourse of nations. But no means was provided or could be, to insure that such principles should be uniformly interpreted or certainly applied, and war, injustice and unreason continued their ancient sway.

Consider the record since the middle of the eighteenth century: one power after another asserting or charged with asserting that for it liberty must mean widespread dominion, that is, proportional equality, and each in turn reduced by coalition of those who act in the name of absolute equality. Great Britain, raised to enormous power and prestige by the Seven Years' War, and promptly humbled by loss of her American subjects through the aid they secured from her European rivals. France, ruling half of Europe under Napoleon, and promptly stripped of all her gains by the allied powers. Russia, the arbiter of Europe under Alexander I and Nicholas I, stopped in her tracks in the Crimea and after San Stefano. Germany, having achieved the hegemony of Europe and aspiring to that of the world, just now brought to the verge of annihilation amid a holocaust of ancient, and a swarming litter of new-born, sovereignties. Such is the astonishing history of one hundred and sixty years of international relations throughout which it has been a widely accepted doctrine of political science that all states, like all men, are by nature free and equal and endowed with the inalienable rights of life, liberty and property.

IV

The foregoing is not, however, a complete exposition of the bearing of political science on international relations. During the nineteenth century a new doctrine came into play that profoundly influenced both the theory and the practice of public affairs. This was the doctrine of nationalism or nationality. Let us look at its workings in international relations.

As we have seen, popular sovereignty became an important dogma of politics in the sixteenth century. Its application was principally to the problems of internal government. It was a conspicuous force in the English revolutions of the next century; but only in the days of Rousseau and of the American and French

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revolutions was it clearly defined both in logic and in application. It meant that sovereignty—ultimate authority—in a state could never be anywhere but in the people; that a monarchic state was inconceivable, though a monarchic government wherein a prince was the mere agent of the sovereign people was entirely possible. This idea brought to the front a question that had excited but little interest before. What is a people? By what marks may we identify the potent entity in which sovereignty inheres? Is the possessor of supreme authority the whole population of a state? or some particular part of this population, such as the hereditary nobility, or the landowners, or the capitalists, or the wise and cultivated, or those who profess a given religion? From the sixteenth century on each of these answers had received support, but at the end of the eighteenth the dominant doctrine was that a people consisted of all those who freely willed to live together in a single society and with a single governmental organization. All men were equal, and therefore an aggregate of these equals that should constitute a political society should involve no distinction of social station or intelligence or wealth or religion. A sovereign people was the product of individual choice.

By the middle of the nineteenth century this dogma had been largely superseded by the doctrine that sovereignty was in a peculiar sense the attribute of a people that was a nation. That is to say, the free choice of individuals was not what in last analysis made a sovereign state, but rather the fact that the individuals were of the same race, the same speech, the same historic traditions, and in general the same kind and degree of civilization or culture. Where Bodin and the conditions of his own and subsequent generations had insisted that cultural and even political diversity among different parts of the population had no bearing on the identity of a state, the nationalistic dogma tended always to maintain that uniformity of race, language and culture throughout the population was of the essence of a state. It became characteristic of political science half a century ago to propound one or both of two doctrines: first, that every population of ethnic and cultural unity and geographic continuity is

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entitled of right to self-government and to independence of all other governments; second, every national state thus constituted is entitled of right to precisely the same recognition as any other sovereign power. Thus, since a nation was in the final analysis a people, and since the national state was specifically a sovereign, the creed of the nineteenth century may be formulated concisely thus: All peoples are by nature free and equal. To the dogma of the Roman jurist in the third century and to that of the French jurist in the sixteenth, the political science of our own age has added the logical supplement. All *men* are by nature free and equal; all *states* are by nature free and equal; all *peoples* are by nature free and equal.

This last dogma, whether expressed or tacit, conscious or unconscious, was a controlling factor in the international relations of the last hundred years of history. It was operative in the establishment of an independent Greece, of the Kingdom of Italy, of the German Empire, of the Kingdom of the Belgians, of the various Balkan states, and of the numerous states of Latin America. It played a great part in the repeated and desperate efforts of the Poles to throw off the yoke of the Czar, and in the equally desperate, though happily not repeated, effort of our Southern states to sever their connection with the North. Within the last four years we have seen it, reformulated as the principle of self-determination, dismember Germany, Russia and Turkey, restore Poland to life, and reduce Austria-Hungary to a chaos of nationalistic atoms.

These spectacular achievements must not blind us, however, to certain realities that illustrate again our earlier thesis. The peoples that have become free have almost invariably forgotten that peoples are by nature also equal. The liberty achieved has proved to be the liberty that means dominion, not that which means equality. Germany and Italy were no sooner secure in their national integrity than they sought lordship over other peoples. Belgium rules in Africa over populations and areas that make her own look ridiculous. The United States, with some hesitation, took up after the Spanish war her share of the white man's burden, but apologized for the operation by a formal

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registration of her altruistic motive and purpose. Greece and the recently emancipated Balkan states have devoted a striking proportion of their time and energy to extending their areas and populations with scant respect for the equality of other peoples. Poland has just narrowly escaped destruction in seeking to extend her sway over Russians. The latest history of civilized mankind, like the earliest, shows that to both nations and individuals the choicest badge of liberty for one is the servitude of another.

V

It seems the inevitable conclusion from our review that the theories of political science and the practice of international relations are hopelessly at variance. The generous ideals of liberty, equality, fraternity and peace that shape and pervade the theory are painfully hard to detect in the sordid record of the practice. Democracy among the nations produces as little real equality and harmony as democracy within any single nation. The individual of genius, of sagacity, of wealth or other source of power is not today, and never has been, in any sense the absolute equal of one lacking such endowments. Nor is the nation of superior resources, material or moral, on a political parity with others less fortunately placed. But it will be said, it ought to be on a parity. Perhaps so; but just there lies the crux of the problem.

Is the wide variance between the dogma of political science and the facts of international practice attributable to error in the theory or to error in the practice? Possibly both, but certainly in the theory. The importance of liberty in the scheme of human social existence has been greatly exaggerated in modern political science. With equality as the characteristic attribute of liberty, social existence becomes inconceivable. Authority is what makes any form of human society possible. It is as indispensable to a society of peoples as it is to a society of individuals. It is incompatible with absolute equality and with absolute liberty; but it is an indispensable guaranty of proportional equality and of qualified and practicable liberty. No aggregate of individuals or of peoples has ever existed or ever can exist without some insti-

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tutional expression of the relation of ruler and ruled. Recent political science has tended to lose sight of this fact and to centre its attention on the units that make up the political group rather than the group as a whole. The doctrine that is needed to explain and to guide the international relations of the twentieth, or for that matter any other, century must rest on these dogmas: Peoples, like individuals, are not by nature free; peoples, like individuals, are not by nature equal. Authority is prior to liberty and makes liberty possible. Self-determination for peoples is what anarchy is for individuals.

On that platform the world would be displaying today in its international relations certainly more of order and possibly more of progress than are revealed in the chronicles.

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STATE MORALITY IN INTERNATIONAL RELATIONS

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Much has recently been said concerning the moral obligations of the state. It is not infrequently asserted that it is the moral duty of a state to assume some function in the interest of international society. The reaction against the philosophy which considered all state action as moral and which posited the realization of national aims as a paramount ethical end, has been followed by an increasing emphasis on the ethical liability of the state to interests in addition to its own.

In attributing moral obligations to the state, the ethical standards of the individual are frequently invoked as applicable to state conduct, and upon this analogy judgment is often pronounced on problems of international right and wrong. The question, however, defies settlement by this simple identification of two moral entities essentially dissimilar in their nature. The ascription of ethical duties to the state, wholesome as it is readily conceded to be, requires considerable analysis lest an undue inference be drawn from the mere fact of its admission. To concede the state as a moral entity does not of itself suffice. The manner of its response to moral questions; its distinctive position in a society which yet lacks many of the elemental requisites for moral progress; the forces limiting the movement of international ethics to a higher level—an inquiry into problems such as these would seem more profitable than the constant reiteration of a principle which probably few persons would longer be disposed to deny.

The aspects of the subject with which we are here primarily concerned may, for introductory purposes, be stated as follows. First, the state, as an entity should be envisaged in such fashion

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as will permit the application of moral judgments to state action. The conception of the state as an abstract legal personality, the one now most dominant in political thought, must be supplemented by emphasizing the element of the state which permits the ascription to it of ethical rights and duties. Secondly, the state as a moral entity should be distinguished from the individual in order that the position of the former in international society, as a subject of moral judgments, may be considered and compared with the position of the individual within the state itself. Thirdly, some of the characteristics of existing state morality will be noted and certain of the conditions reviewed which retard its progress. And finally, the position of those individuals who direct state action, in its external relations, will be examined with reference to the problem of fixing moral responsibility for the conduct of the state.

I

The first phases of the problem requires an interpretation of the state, which will render it a proper subject for ethical discussion. What conception of the state, as elaborated by political philosophy, may be used if the state be regarded as subject to moral rights and duties? As a basis for this inquiry, we may first briefly review some of the conceptions of the state with reference to the manner in which it has heretofore been regarded relative to the idea of morality.

The state is an institution which lends itself to a variety of interpretations. In some of these conceptions, it is wholly detached from considerations of morality; in others it is assumed to have definite and intimate moral relationships; though most commonly perhaps, in political thought at least, the nature and degree of the moral responsibility of the state is vague and undetermined. Especially is this true as to the manner in which its external obligations are to be discharged without impinging upon the essential interests of the state itself.

Without attempting to enumerate all the methods by which the state may be approached and studied, or asserting of any one that it represents most completely the essential nature of the

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state, we may distinguish at least three conceptions which come well within the range of current thought and which typify the manner in which the state, as a political entity, may be regarded with reference to the idea of morality.

First, the state may be considered in its juristic or legal aspect.[1] This is the conception of the state which analytical political philosophers have developed with much logical consistency, one in which the contrasts with other aspects are well defined, and one entirely sufficient for the special purpose it seeks to serve. From this formal or juridical standpoint, the state is regarded as an abstract personality or entity possessing supreme legal competency within the sphere of its jurisdiction, and functioning within this sphere without legal accountability. The supreme legal will of the state is technically termed sovereignty, this itself being an abstract idea denoting legal supremacy and omnipotence, and, by its very nature, indivisible. With considerations of morality, the state thus viewed, is not concerned, and as an abstract conception it is not the subject of ethical rights and duties.

Sufficient from its own viewpoint in municipal or constitutional relations, the juristic state is re-created, so to speak, by the analytical political philosopher when the state is considered in its relations with other legal entities of like characteristics. To those who recognize the positive character of international law, some degree of limitation is introduced upon the legal omnipotence of the state in this new relationship; it becomes the possessor or subject of additional legal rights and duties, with a corresponding change in the scope of its lawful jurisdiction. But the conception of the state as an abstract personality is unaltered; the same quality of legal supremacy pertains to its legal will, when operating in its specified sphere, and the independence of this will to considerations of morality remains unchanged.

A second conception of the state is one which enables it to be definitely associated with morality. Unlike the juristic conception, which represents at most only a segment of a complete

[1] See the analysis of "The Juristic Conception of the State," by Willoughby 12 *American Political Science Review*, No. 2, May, 1918.

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philosophy of the state, this conception finds in the moral idea a summation of the state and around it erects a philosophy inclusive and complete. The philosophy of the state dominant in Germany before 1918 is of this type. It is one that has been made familiar by much recent discussion and by the consequences which it produced; but it requires a brief review in a consideration of the relations of the state to morality.

It has been said that the German conception of the state is a logical inference from the moral absolutism of Kant,[2]—that it supplies a neat and effective agency through which his conception of supersensible reason might be made to legislate. But, irrespective of this relation, it presents a fusion of politics and ethics of singular character and design.

By this theory, the state is conceived of as an abstraction, made up of many other abstractions. We note only those of special importance. The essential note is expressed in the Hegelian idealistic philosophy[3] which conceives the state as the embodiment of the moral ideal; as a mystical and transcendent being, the expression of God in the world. The conception is not materially modified by the fact that Hegel regarded this idea as applicable only to the ideal state. It is the identification of the will of this possibly ideal state with morality itself which is of supreme importance and which at once sets at rest all doubts as to the existence of an external moral law. The will of the abstract state thus conceived is itself the expression of morality and the accomplishment of its aims a moral criterion for the individual.

In strictness the Hegelian conception might be accepted as admitting a definite moral relationship between the state and morality and sufficient for our present purpose, but it represents only a partial statement of the particular theory of the state with which we are just now concerned. Deep rooted in German thought, this idea of the state as an abstract moral entity, supported a structure of tremendous strength though destined to ultimate collapse.

[2] Dewey, *German Philosophy and Politics*.

[3] Willoughby, *Prussian Political Philosophy*, p. 58. See also an article by Professor James H. Tufts on "Ethics and International Relations," 28 *International Journal of Ethics*, p. 299.

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Contemporaneously with Hegel, the philosopher Fichte was describing the essential nature of the state.[4] Aside from its multifarious internal activities, it was represented as a restless striving entity, concerned immediately with its defense; ultimately with its aggrandizement. Implicit in the aims of the state is the purpose of universal dominion, and in its relations with other states this idea is the controlling principle. And though Fichte, like Hegel, had in mind an ultimate ideal of the state in which this relentless competition with other states might conceivably subside, it was a goal in his estimation far removed from immediate attainment or contemplation.

Such a gospel rendered necessary, if it did not actually inspire, a further extension of the state-idea. The lapse in time from Fichte to Treitschke and his school was considerable, but the connection in thought, in some respects at least, was close and logical. The contribution of Treitschke is thus expressed. "The great idea that the state is Power . . . . is the truth, and those who dare not face it had better leave politics alone."[5] In one respect, however, the departure of Treitschke from his predecessor appears at first hand to be significant. "If we conceive of the state," he says, "to be a moral community, bound to take its appointed place in the education of the human race, it must indubitably also be subject to the universal moral law."[6] But immediately the demands of this moral law are made to harmonize with the essential nature of the state as power. "When we apply this standard of deeper and truly Christian ethics to the state, and remember that its very personality is power, we see that its highest moral duty is to uphold that power."[7]

Such then, in brief, is the state as it has been established in a very definite relation to morality. The will of the state and the moral law are in fact identical, and the abstraction thus conceived, is reinforced with power, and had ascribed to it a reason which is

[4] Sorley, W. R. *The Theory of the State;* Oxford University Press, p. 36, Cf. also Vaughan, C. E., *The Political Writings of Rousseau,* II, p. 518–19.

[5] *Politics,* I, p. 85; Trans. Dugdale and Torben De Bille.

[6] *Ibid.* p. 81.

[7] *Ibid.* p. 94.

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absolute and divine. Its identification through later propaganda with the particular political entity known as Germany, is a piece of contemporary politics with which we need not be detained.

Political philosophy has, however, developed the idea of the state in a third and more realistic manner, the statement of which brings us out of the region of abstractions into that of substance and concreteness. In a descriptive definition of the state, it has been affirmed that its essential elements, as viewed in this substantive manner consist of: first, "A community of people socially united; secondly, a political machinery termed a government, and administered by a corps of officials termed a magistracy; and thirdly, a body of rules or maxims, written or unwritten, determining the scope of this public authority and the manner of its exercise."[8] The essentially composite character of the state is here more definitely presented. Distinctive elements are introduced which detail the state as it actually exists and operates; its social as well as political aspects become manifest, and the presence of rules or maxims evidence the existence of an individual or a collective human will.

The definition which has just been quoted is designed to describe the state and provide means for study of it primarily as a political organization. Its ethical aspects are not presented; the state is not identified with a moral idea, nor is it, on the other hand, necessarily, regarded from this substantive viewpoint, removed from the domain of ethical consideration. Yet for the purpose of approaching the state anew in its relation to morality, this third conception of the state seems most acceptable. In its moral relationships, the state must be regarded as a collection of human individuals and not as an abstraction. Its internal organization may be regarded as representing the attitude of a group collectively organized toward its individual members, regulating their relations with one another and with the group as a whole.

From this viewpoint, the conduct of the state, in its external relations, represents the attitude of one group of individuals in their collective dealings with another group of similar or related characteristics, and by its acts contributes to the standards

[8] Willoughby, *The Nature of the State*, p. 4.

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which will govern these relations. As a human institution, composed of individuals, this collective body is subject to the same factors which influence and determine individual conduct, though acting as a collective body, often in a widely different manner from the individual in similar circumstances. Yet the same psychological forces become operative within the group; its individual members may arrive at a collective will, and similarly through the conscience of its individual members, the collective body is susceptible to criteria of right and wrong. To speak of the state as a subject of the moral law necessarily implies such a conception. It is the essence of morality that to become operative, it must find lodgment in human conscience; as a motivating agency elsewhere it cannot with reason be conceived. Within the state, defined as a living social body, as a group of human individuals, morality may be sought. In such a society, in some degree of development, morality must, in fact, of necessity exist.

II

Released now from the realm of abstraction concerning the nature of the state, and bearing in mind that in the region of ethical speculation, it must be regarded as a group of organized human beings, we may proceed to the second aspect of the problem under review. This relates to the ethical position of the state as compared with that of the individual.

An identification of the ethical standards of the state with those of the individual is not infrequently made, and often, it would seem, under some misconception. The state is not an individual person but a collection of persons, exhibiting the characteristic phenomena of group organization, and there are few moral criteria which may be applied equally to both. The unsoundness of the analogy between the state and the individual as moral entities is due primarily to two considerations: first, to the dissimilarity of their respective positions in society, and secondly, to the absence in international society of numerous forces which are present within the state itself which operate towards the ethical development of the individual. A fundamental difference

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between the two at the present time is impressively connected with the elements of security and existence.

With respect to these two factors, what are the respective positions of the individual and the state? To the individual, they are, under normal circumstances, assured, or terminated only by his wilful disregard of the regulations of organized society, but to the state, they are uncertain and precarious, dependent often in the last analysis upon its own unaided efforts. The individual imagined under such conditions, is automatically released from a whole series of moral obligations recognized in a well ordered society which guarantees his protection. His position in a pre-social state, as it has been fancifully drawn by Hobbes, presents a more valid analogy to that of the modern state. In fact, it is only in so far as states have developed a consciousness of common interests into which the element of mutual protection has entered, that moral criteria may be appropriately applied to their conduct. Otherwise, abstractly considered, they are the possessors of powers rather than of rights.

What principle, however, in the ethics and politics of the modern state is given a higher position than its right to existence? The exercise of political authority within the state may be assailed and may be the occasion of criticism, or of revolution, but its actual right to existence, as a separate political entity, is ordinarily, within the state itself, accepted and proclaimed as absolute. Indeed it may be said that there is no doctrine relating to their mass organization more deeply intrenched in the conscience of mankind than the principle of the ethical right to existence of the political state organized on the basis of nationality. Existence and security therefore, from the viewpoint of the state itself, become matters of fundamental ethical importance irrespective of the manner in which the existence of a particular state may be regarded by an external judgment.

A state, which considers its position vitally threatened and believes preservation possible only through the sacrifice of the interests of another state, will ordinarily determine its own course of action and will not be restrained in its conduct by the judgment of a society unorganized for its protection. Indeed, the

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circumstances may be imagined where the sacrifice of the interests of a particular state might not only be essential to the preservation of another state but would also be accompanied by consequences beneficial to international society as a whole; and, in the absence of an organized consciousness and force in international society to control these situations, that of the individual states concerned must of necessity be employed and the moral justification for their acts stand or fall by the consequences produced.

These possible instances of extreme action on the part of states are given primarily to illustrate the type of conduct which the state, as the principal agency of its own security may presume to take. In contrast, the individual whose existence is secured by the power of the state itself, finds such action unnecessary or of remote contingency.

There are, furthermore, other situations characteristic of the more normal processes of international life in which the state participates which render the ethical standards of the individual inapplicable. The complex relations of one individual to another are, in all civilized societies, regulated and restrained in various degrees by an authority apart from and superior to each, the element within the state representative of the corporate will. The conflicts of individual interests are adjusted, the fulfilment of certain mutual duties is imposed, all with regard to a twofold interest, that of the individuals and that of the society as a whole. With regard to the interests of the social group, acts are performed which law or morality would deem inadmissable for the individual to execute, but, accomplished in the name of the state, they reflect the wishes of the collective body and promote the interest and welfare of the whole. The contacts of states, while perhaps not so intimate and complex as those between individuals, are nevertheless constantly recurring and are heightened in importance by the magnitude of the interests involved. They are characterized, furthermore, by frequent situations in which the interest is not confined to a particular state but is collective, shared by all states alike. And, while it is the function of international law to regulate the relations between states, it has thus far not been able to

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provide an authority complementary to that which governs the relations of individuals within the state or to act in behalf of a collective international interest.

Confronted with problems which the exigencies of international society, as well as its own particular interests, call for resolution and adjustment, a state may be compelled to act alone and upon its own responsibility. In the absence of a superior constituted authority, it arrives at its own decisions, asserts its own power, and not infrequently accomplishes results which are not contemplated or provided for within the present scope of international law. In such action, the state is manifestly not released from exterior ethical judgment, but it is a judgment to be pronounced with due appreciation of the fact that the state is in a position which the individual does not experience or approximate. In the case of the individual, the authority to make the decision and to direct the action is already constituted, its methods formulated, and its aims announced and approved, and there does not exist the necessity for independent action such as states are from time to time compelled to take.[9]

III

These disparities in the position of individual and of the state which correspondingly limit the application of the ethical standards of the former to the conduct of the latter are significantly reflected in the existing level of morals to which each in their conduct approximate. What, indeed, is the tone of present-day state morality in international relations and what are some of the factors which limit the movement of international conduct to a higher ethical plane?

Perhaps the most outstanding characteristic of the current morality of the state is its essentially negative character.[10] It is seldom that one state lends to another positive and affirmative

[9] See the exposition of this idea with especial reference to the ethics of intervention, in an article by Arthur O. Lovejoy entitled "Ethics and International Relations," *Bulletin of Washington University Association*, April, 1904.

[10] An interesting analysis of the negative character of international morality is given by Senior, in an essay reviewing Wheaton's *History of the Progress of the Law of Nations*, 77 *Edinburgh Review*, p. 303, April, 1843.

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aid without consideration of its own particular interests being thereby promoted. In this respect the dissimilarity of international morality and that existing between individuals is again portrayed. Because of the absence of this quality of positive morality between states, international law has concerned itself primarily with maintaining their exclusive and individualistic rights, and where the element of duty has been introduced, it has reflected the widening scope of these rights rather than the recognition of positive obligations. The presence in international relations of a series of so-called imperfect claims, such, for example, as commercial intercourse, the common navigation of international rivers, and access to the sea for land-locked states, has emphasized an extension of the rights of states as inherently demanding these privileges, rather than the recognition of the positive obligation of states to extend such grants. Similarly, international law theoretically grants the right to any state to redress infractions against the law of nations without imposing the corresponding legal obligation to assume the duty, nor can it scarcely be said that international morality urges the assumption of this duty.

The failure of the state to develop an affirmative morality is due to factors in international life which may readily be discerned. Conspicuous among these is the absence of the element of security in state existence. The processes which rationalize and socialize a society from within—social and commercial intercourse, religion and education—become effective with regard to the individual only after the assurance of a reasonable personal security exists. When the state is viewed as a social unit in international society, it is manifest that this fundamental requisite for moral advancement has never been attained to a degree complementary to that which prevails for the individual within the state.

There is, to be sure, normally existing between states a degree of association, intellectual, social and commercial, which tends to develop a morality appreciative of interests beyond the immediate limits of the state. But the continuation of these relationships is always secondary to acts which the state, through the necessity

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of maintaining its existence, may be forced to resort, and the socializing processes mentioned above are uniformly discontinued or thrown out of their normal channel when preservation becomes an issue. In the interest of security, furthermore, the state is compelled to maintain institutions which cannot be expected to entertain a higher moral ideal than that of the preservation of the state itself. One need not deny the value of conflict and of military institutions as civilizing agencies in early society, or minimize their merit in developing within the individual ethical perceptions which are readily converted into moral values for the state. But equally manifest is the inability of these agencies to develop a morality which transcends the interests of a particular state. When such institutions become dominant within the state, its moral outlook becomes essentially protective or aggressive and all other ethical values are rendered subservient to these ends.

An attempt to establish a relationship between an economic situation and a moral one must obviously be conducted with reserve, but in international society the two are inextricably combined, and economic factors exert an incalculable influence in determining the aspects of international morality and create situations which must profoundly modify moral judgments. Not alone is security of personal or political life essential to the development of morality, but there must accompany this, to some degree at least, an economic sufficiency such as will permit the development of the higher moral faculties. The manner in which this economic factor is commonly regarded in pronouncing moral judgment on the conduct of the individual is a sufficient evidence of its consideration as a determining cause in social progress. Upon it depends much of the environment under which the individual develops and the relation between this environment and the moral capacity of the individual is direct and intimate.

As a factor in determining state morality, economic conditions are scarcely less significant. Political societies have come into existence often with little relation to their economic needs, and the increasing interdependence of states creates situations which invite

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a disregard of legal principles which fail to give considerations of these wants. Few states are in themselves sufficient to their economic needs, and each displays a constant effort to remove the uncertainty which may threaten or endanger its economic welfare. Impelled by such necessity, a state morality is developed which, conscious of this economic condition, is uncritical of the means by which it is relieved. The expansion and aggression of states in disregard of the provisions of international law are prompted primarily by the fact that access to economic wealth is based upon political supremacy, and advantages obtained in this manner are usually reserved to a particular state and are not made available to international society as a whole. With each state as the exclusive custodian of its economic wealth, it becomes incumbent upon each to conserve and replenish its resources through its own activities. Arbitrarily denied access to materials which are essential to its economic life, a particular state may feel itself justified in appropriating resources which are inadequately utilized by other states, and, with no superior authority to adjust these inequalities, the morality which justifies such action is essentially individualistic in character and is not restrained by regulations formulated at a time when the facts of economic interdependence were imperfectly realized. The regulation of the economic factors in international society is a problem infinitely more complex than is political organization. But the existing body of international law has not given adequate consideration to these factors, and its frequent disregard by states cannot always be ascribed to low political morality. On the contrary, these breaches indicate the inadequacy of the prevailing principles of law to meet the requirements of a closely integrated international society.

IV

To the foregoing factors in international relations which tend to arrest the progress of state morality, we have yet to add another—one which has been designated as the problem of fixing moral responsibility within the state with reference to its external relations. The feeling that this responsibility cannot be definitely placed; that it is diffused over a large mass of individ-

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uals, and is modified by obligations which arise within the state itself; these circumstances, along with the remoteness of the appeal, operate to arrest the development of a positive state morality.

To what extent, however, can we penetrate the complexities of these conditions with a view to revealing more clearly the situs of responsibility for foreign policy and the direction which any movement must take towards rendering the latter more responsive to moral values? Obviously if the state be visualized in its social aspects, as a society of individuals, the common responsibility of these social groups to one another need not remain wholly undetermined nor the position of this responsibility unrelated to definite personalities. If we return to the political conception of the state which has been accepted, we find its political machinery administered by a corps of officials commonly termed a government. It is evident that somewhere within this body, the element of the state which is in varying degrees representative of the will of the people, there rests at least immediate responsibility for the acts of the state in its international relations.

In that portion of a representative body charged with the conduct of the foreign relations of a state in their larger aspects, at least two functions become apparent. The one is to meet and resolve issues which cannot brook delay; and the other is to formulate policies for the guidance of the state upon impending international problems. In the discharge of either of these functions immediate responsibility attaches to a small group of individuals, often to one alone, and the decisions arrived at embody, if conscientiously rendered, the conception of duty of these officials to the state they represent, their interpretation of the will of the people towards the issues which have arisen, and the recognition of the fact that the attitude assumed towards other states is not removed from moral accountability. Upon issues about which there does not exist an ordered and positive opinion within the state, the public official is manifestly compelled to rely to a considerable degree upon his individual judgment, and, acting in this capacity, he is forced to assume a responsibility for the state and at the same time towards other states which will be affected by his decisions.

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With respect to this dual relationship thus created for the individuals who compose a government, the analogy is often presented of the trustee who is charged with the welfare of others and is under moral obligation to regulate his conduct in conformity to the interests of these. Yet only partially is the analogy rendered applicable. The interests which the trustee is called upon to administer and safeguard are often not originally vested in a personality capable of the expression of a will and desire on its own behalf. The opportunity of consultation is in these cases denied the trustee; his action must of necessity be the result of his individual decision; it is original and not interpretative. There is obvioulsy little parallel to this in the discharge of the interests of the modern civilized state, nor is it the privilege of the representative to assume the absence of this capacity on the part of the interests which he represents. The increasing popular control of fundamental questions of foreign policy places squarely upon the people this moral responsibility for actions of the state and renders correspondingly less applicable the analogy of the public official and the trustee.

The decisions rendered by the people represent their capacity to meet a moral situation, and, with the growth of democracy, there is possible an actual retrogression of international morality unless the citizens of the respective states are awake to their moral obligations to one another. This whole relationship has been stated with much clarity and force by Henry Sidgwick:

"It is said that the actions of states have generally to be judged as actions of governments; and that governments hold a position analogous to that of trustees in relation to the community governed, and therefore cannot legitimately incur risks which a high morality would require individuals to require in similar cases. I think there is some force in the argument, but it is only applicable within a very narrow range. Trustees, whether for private or collective interests, are bound to be just; and the cases are at any rate very rare in which the highest morality applicable in the actual condition of international relations would really require states to be generous at a definite sacrifice of their interests. For a state to embark on a career of international knight errantry would, generally speaking, be hardly more conducive to the

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interests of the civilized world than to those of the supposed quixotic community. Still I admit that cases may occur in which intervention of this kind, at a cost or risk to the intervening community beyond which strict self-regard could justify, would be clearly advantageous to the world, and in such cases the 'quasi-trusteeship' attaching to the position of government might render its duty doubtful. It would seem that in a case of this kind the moral responsibility for public conduct is properly transferred in a large measure from the rulers to the ruled. The government may legitimately judge that it is right to run a risk with the support of public opinion which it would be wrong to run without it; so that it becomes the duty of private persons in proportion as they contribute to the formation of public opinion—to manifest a readiness to give the required support."[11]

With the development of a more effective popular control over foreign policy, "moral responsibility for public conduct is properly transferred in a large measure from the rulers to the ruled." It is, indeed, the privilege and the duty alike of the representative to endeavor to formulate public opinion in accordance with his own concerning an issue about which he is more adequately informed than the people he represents, for such efforts constitute one of the means whereby public opinion may become more discriminating and intelligent. But in modern democracies the moral responsibility for foreign policy rests ultimately upon the people themselves. History is not without instances in which states have been guilty of practices repellent to the most elementary conceptions of right and wrong, and yet, on these occasions their citizens have placed the corporate and abstract conception of the state as a bulwark between this conduct and their own conscience. It is important indeed to differentiate the state as a moral entity from the individual, but it is always to be borne in mind that the moral development of the former, in its relations with other states, is to be accomplished through the individual and is dependent upon the sense of moral responsibility of the citizens of one state to those of another.

In this discussion no attempt has been made to establish the moral criteria which should govern the state in its international

[11] From an essay on "Public Morality," p. 45, published under the title of "National and International Right and Wrong." London, 1918.

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relations, or an individual, who with greater or less degree of authority and influence may contribute to the formation of foreign policy. We are concerned here only with the present day aspects of international morality and with the factors which retard its progress. In an analysis of the existing moral relations between states, the question arises as to the real significance of what is often termed a "moral obligation" of one state to another. An effort has been made to show that this obligation is not similar to that existing between individuals, and that it must be accepted with a consideration of the character of the morality from which it springs and of the conditions which give tone and interpretation to that morality. From their present conditions of political and economic insecurity states must be released before an improvement in international ethics can be expected.

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PLURALISM: A POINT OF VIEW

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It is unfortunate, in my opinion, that the terms monism and pluralism have been injected into the discussion of political theory and doubly unfortunate that they have been put forward as rival theories between which we are expected to choose. Both words are in fact very general, both are capable of many meanings and both have about them the connotations of centuries of philosophical dispute. And yet the one clear lesson from these disputes is that both monism and pluralism are inescapable aspects of our world and as such can neither of them be neglected. An effort to set the two in opposition, to picture them as incompatible, and to force a choice between them is surely wasted. The truth is that monism and pluralism are not theories but points of view or modes of attack, and any reasonable political theory will have to take account of both and both will have to be interpreted in such a way that they can be joined in one theory. It is not the purpose of this paper to undertake so large a task as this final reconciliation; but merely to state as exactly as may be what is connoted by such phrases as "a monistic theory of the state" and "a pluralistic theory of the state," in order that the different points of view may be made as clear as possible and may be compared.

By political monism I understand a theory which holds that the state is ultimately a single indivisible authority, not subject to any other authority and therefore able itself to fix the limits and the content of the obligations to which it gives rise. This is practically identical with what is otherwise called the juristic theory of the state, and though monistic theories often overstep the bounds of a strictly juristic point of view, the strongest arguments for monism undoubtedly depend upon the adoption

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of it. The juristic theory holds that the enactment and enforcement of law must be carried out in the name of an ultimate authority in whose hands the whole right to coerce by legal process is conceived to be placed, and that this authority must be one—in order that there shall not arise insoluble conflicts. This is crudely expressed by the proposition that law is the will or command of the sovereign. But the apparent simplicity of this monistic principle covers in fact a great complexity of juristic relations between the organs of government, and our first aim must therefore be to make clearer the real objective point of the juristic theory. For this purpose two types or phases of it may be distinguished.

The simpler and historically the earlier form of the theory develops a rather simple conception of the delegation of authority. It applies to states in which there is a single body possessing ultimate legislative authority and able to fix the legal competence of executive and judicial authorities. Such a theory aptly fitted the political organization of Great Britain before the self-governing colonies called for special consideration. At any time after the Revolution of 1688 it was perfectly clear to any English jurist that the English law represented the authority of the king in Parliament, could be changed to any extent by act of Parliament, and, aside from the obscure process of judicial interpretation, in no other recognized way. There was no question that judges would recognize the binding force of parliamentary acts in their decisions, and indeed they could always have been coerced if they had tried to do otherwise. And if at the start there was any question whether Parliament had made good its control over the executive functions of the Crown, this question was resolved during the reigns of the first two Georges, which saw the beginnings of the cabinet form of administration and made ministerial responsibility to Parliament practically inevitable.

Here then we find the simplest type of monistic state. It is a state in which there is an easily recognizable source of legal authority and a definite system for the delegation of that authority to all the other organs of government. Whatever legal authority was anywhere exercised could be traced back directly to

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an enactment of the sovereign body, or if not directly, at least through some not too remote implication, since it was admitted that, at the outside, an enactment by the sovereign might have negated the authority in question, and the failure to negate could in itself be regarded as a sort of implication. It is obvious, however, that this simple type of monistic theory would never be suggested by the actual working of the British Empire, but the theory took form at a time when imperial questions had little or no effect upon political thinking.

In the second type of juristic theory the notion of the delegation of authority undergoes a very considerable elaboration. The modification was brought about by the growing importance of the federal form of government, in the first instance by theorizing about the government of the United States. In the federal plan there was discernible no single system of delegation by which authority passed from an easily identifiable central organ to the other organs of government. Clearly the competence of the member states was not fixed by Congress as a state legislature might fix the charter of a municipality. Nevertheless, and especially as the federal system tightened up with the development of the federal courts, it became apparent that the competence of the states was effectively fixed by the federal Constitution, as was also that of Congress and the other organs of the central government. There were two systems of authority, one running through the central government and ramifying into all its agencies, another running through each of the various state governments. The American citizen was subject to both and lived in a sense under two systems of law, neither of which was in itself absolute and final. But in effect the two systems of law were one and the two authorities were one, for both were tied together into one system by whatever authority was conceived to stand behind and enact the federal Constitution. Vaguely this was the American people, though "the people" is not a juristic conception. For juristic purposes it is enough to say that the state, in enacting constitutional law, makes use of an extraordinary organ of legislation, the constitutional convention, or of a combination of organs that do not commonly coöperate,

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Congress and the legislatures, that take part in the amending process. Thus instead of a single organ of legislation and a single system of delegation, we have two systems going back for their authority to a third, and the latter is not vested in any body that functions as a legislature for ordinary purposes.

This kind of organization brings to light the central principle of juristic monism. This principle is not properly delegation; it is merely the fact that the organization includes an apparatus for making a legal disposition of possible conflicts between the different authorities, so that each may be kept within its own proper jurisdiction. There may in fact be any amount of actual decentralization in administration or legislation; all that the juristic theory need mean is that the limits of jurisdiction should be clearly marked and that conflicts as they arise should be justiciable. Juristic monism, therefore, may be summed up in the proposition that one system of law must not be supposed to create contradictory obligations. If two laws are enacted by the same legislative authority, they must be considered, if possible, to be both capable of enforcement, or if both cannot be enforced, then one must be conceived to supersede the other. Or if contradictory laws are enacted by different legislative authorities, they must belong to different jurisdictions which can be definitely distinguished, or if this is not the case, then there must be a definite rule by which it can be decided that one body has a higher degree of competence than the other.

Stated more generally, the juristic theory merely asserts that, in the case of any two authorities, legislative or otherwise, the relative competence of the two must be capable of determination in such a way that conflicts of authority can be adjudicated and authoritatively set aside. On the other hand, it is also implied that legal authority must have no gaps or holes in it; there must be no case that can escape through the meshes of the net. Some organ of the state must be competent to handle every case that can arise. In short the law is a system. This is indeed the only definite meaning that is conveyed by the assertion that the state is a juristic person. Personality, perhaps because of connotations which the word received in the philosophy of Kant and the

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post-Kantian Idealists, is taken as a guaranty against the occurrence of insoluble contradictions and conflicts and also as suggesting a system of forms to which every case must conform.

At the same time this statement of the juristic theory brings to light its necessary limitations. It is in general the theory of the courts; it envisages law from the point of view of administration and enforcement and assumes the existence, the completeness, and the practicability of its rules. Or, if it does not presume that the law is actually complete and systematic, it assumes that this should be so. Hence it is easy to see why the need for such systematized, well-centralized law has been most clearly conscious in periods of rapid legal reform, when the reforms have largely been directed against the inability of the courts to handle business expeditiously or against the intricacies of case law. This very largely explains, for example, the development of English Utilitarianism along the line of Austin's theory of sovereignty.

It is clear, however, that a definition of law as the will of the sovereign throws no light at all upon the problem of formulating practicable rules, of marking out practicable jurisdictions, or of finding effective remedies to produce a desired result. These questions have nothing to do with the formal validity of the law and the juristic theory is essentially a theory of form. On the other hand, no one can seriously suppose that a system of effective rules and a practicable system of jurisdictions get themselves made automatically, or that authority works itself out into such a system by its own momentum. Such things are questions of practical relationships and effective manipulation. Generally speaking, a rule does not work because it has formal authority; it may become authoritative if it will work as an effective plan for regulating practical relationships and for conserving the interests that may be jeopardized if such relations are unregulated. It should be clear, then, that what is called the juristic theory is a statement of only one side even of juristic processes. It assumes that a working harmony of interests is at least known, or perhaps partly achieved, such that norms of conduct can be laid down and conformity demanded. It has nothing to say about the discovery of a norm that will really conserve and harmonize the interests at stake.

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If now we turn from monism to political pluralism, in order to get the contrast between the two points of view, the latter may be negatively defined as a theory which denies that there is any rigid necessity about the demand for a unified legal and political system. It insists, on the other hand, that an amount of loose-endedness is possible and under some circumstances inevitable and even desirable. It asserts that, at least at any given time, a community may be living under two systems of law and that government may be organized in such a way as to include two or more authorities that are juristically coördinate, in the sense that their respective jurisdictions are not fixed by a third and higher authority competent to coerce them. This does not mean, as sometimes is supposed, that the different authorities would be without relation to one another. If, for example, there should grow up such a distinction as that visualized by Mr. and Mrs. Webb, between what is now the juristic apparatus for dealing with political questions and a new system of authorities for the control of economic and industrial relations, it is not to be supposed that the two systems would be, or could be, unrelated. There would have to be channels of communication between them and a joint means of arriving at an agreement about their respective jurisdictions. The pluralist merely insists that such relations could not be brought under the conception of a delegation of authority. Neither would have the legal power to fix the competence of the other; relations between them would take the form of what Mr. Laski calls negotiation.

Since such a theory appears to be a direct negation of political monism, the first question which it naturally raises is the ground for the monist's assertion that the law of the state must form a single system such that contradictory obligations are impossible. What is behind the word must when the monist says that this "must" be so? There is no doubt, I believe, that at least some monists have regarded this as a real logical necessity, something which they are entitled to postulate in the same way that the physical scientist postulates the impossibility of contradiction in nature. Even a writer generally so empirical as Jellinek

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asserts that the unity of the state is an intellectual necessity.[1] As stated above, the supposed personality of the state is only another way of asserting the systematic unity of law. Behind the use of this word there lingers the notion that the personality of the state is an *a priori* guaranty of this unity, just as Kant supposed that what he called the transcendental *ego* is an *a priori* guaranty of the coherence of all our knowledge of nature.

In so far as monists take this position, they are guilty simply of confusion. Granting that we must assume the phenomena of human nature and society to be no more contradictory than other natural phenomena, it by no means follows that the obligations imposed by any human institution at a given time are free from contradictions. The argument neglects the fact that a juristic theory moves not in the realm of things but in the realm of obligations, and while it is true that contradictory qualities cannot be asserted of the same thing, it is quite another matter to assume that a man may not be subject to two obligations which in certain cases may be incompatible. In fact incompatible obligations are a common enough incident of our moral experience and incompatible legal duties, while not exactly common, are certainly not unprecedented. The dilemma in which a loyal Southerner found himself at the opening of the Civil War would illustrate both cases. It is possible, of course, to base one's theory of law upon a metaphysical system, as St. Thomas Aquinas for example did, which would make it necessary to hold that conflicts of authority and duty are only apparent and that in the end one obligation always overrules and sets aside the other. The positive law may be merely an element in a system of values that extends upward to the reason of God Himself and includes the whole universe, material and spiritual, in its embrace. But certainly the juristic theory does not mean to postulate any such metaphysics. Nevertheless, the supposition that there is an unescapable presumption of logical consistency in juristic relations is reminiscent of a time when a rational law of nature was supposed to lie behind the obligations created by positive law.

[1] "Eine unserem Bewusstsein notwendige Form der Synthese." *Allgemeine Staatslehre*, 3rd ed., p. 170.

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The reasons behind the proposition that law must not create contradictory obligations have in fact nothing to do with logical necessity, and the pluralist is quite right in so far as he regards such a claim as a mere relic of philosophical rationalism, which did in fact exercise a considerable influence upon the earlier history of political monism. The must in the proposition is not the logical must but the practical must. The objections to a two-fold legal authority are not logical but practical, for where there are coördinate authorities there may be conflicts of authority and such conflicts may be disastrous. There is then the strongest possible motive behind the assumption that the law should not give rise to contradictory obligations, that the demarcation of jurisdictions should be definite, and that all matters of which the law can take cognizance should fall squarely within some ascertainable jurisdiction. It is merely the desire that business shall be conducted as simply and as expeditiously as possible. The demand for administrative unity is a guiding principle or ideal and as such its importance should not be underrated, but that is not a good reason for magnifying it into a universal form of human thought.

Unquestionably it ought to be admitted that every state must face the problems of orderly administration, and whatever kind or degree of monism this implies will have to be accepted, unless one is prepared to go the length of saying that orderly administration is impossible. Such a conclusion will certainly not be admitted without a struggle. Few responsible thinkers will seriously entertain the syndicalist notion that, "A certain amount of disorder is good for liberty," because everyone knows that continued disorder has usually proved the worst possible soil in which to make liberty flourish. I myself believe that even if a pluralistic state were set up, assuming that it continued to exist for awhile under relatively stable conditions, authoritative ways of settling jurisdictions would grow up as rapidly as ways and means could be discovered. At the same time, there is a real gain in clearness when this is recognized as a practical problem. Nothing whatever is gained merely by postulating a unified legal and administrative system, and no authority is

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made effective merely by saying it is higher than any other authority. In other words, the assertion of the formal unity of legal authority is no help whatever in solving a problem which is essentially one of political technique. No system of law is made effective merely by being spun out into a system of unimpeachable syllogisms. Really workable jurisdictions can be marked out only by finding ways and means, by conserving and harmonizing essential interests that are in conflict. Law is not a separate and self-sufficing organism, complete with all that is required for its life and growth. It is more like a tissue that grows around points of irritation and strain. A formal conception of law is thoroughly one-sided and therefore secondary even for a complete view of the meaning of law itself. Any broad meaning of the word juristic must include the process of making practicable adaptations of the law, as well as the enforcing of accepted rules and the assigning of cases to recognized categories of authority.

In substance, then, juristic monism merely asserts that simplicity of political organization is desirable, but how simple it can be under given circumstances is another question. Let us return now to pluralism and try to see similarly what is the substance of its contention. There are, I think, two factors, not usually distinguished, that help to determine the pluralist's point of view. In the first place, he thinks of juristic relations not as accomplished facts but rather as forms that gradually take shape in the process of political trial and error; he thinks of juristic categories as in process of development under the stress of new conditions. No small part of the impulse to pluralism came from the historical study of political theories and of juristic relations. In the second place, the pluralist is mainly interested in a problem of practical statesmanship, the juristic control of the excessively complicated social, economic, and industrial relations of our present political situation. As pointed out above, Austinian monism was in effect an appeal to the legislature against the unmeaning technical complexities of judicial procedure. In a parallel fashion pluralism is a rejection of the single legislature and of centralized administration, because

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the juristic categories made and applied by these bodies are too simple and abstract to fit a situation that has become almost infinitely complex. It is interesting to see how writers who have thus come to distrust the legislatures tend to swing back to a trust in the processes of judicial interpretation by which unwritten law is developed and sometimes argue for a great amount of judicial freedom from the letter of the statutes.[2] Modern social situations are too complex to be dealt with by such general rules as can be embodied in an act of the legislature.

But whether the pluralist thinks in terms of history or in terms of present fact, the substance of his conclusion is the same. He finds that accepted juristic relations are too narrow and rigid to fit at all accurately the great variety of relations actually in force between states and between the parts or organs of states, or between such political organs and certain social institutions which have not achieved a political status. So far as political theory is concerned, the pluralist believes that an emphasis upon simplicity is misplaced, to say the least, and he believes further that this emphasis creates a tendency to force facts into more or less unsuitable forms, which have only the merit of being accepted because they are old. In so far as he is able to estimate the present drift of events, he believes that it is away from simple and generalized forms and toward the recognition of a great variety of new forms. To discuss this at all adequately would require a great amount of space, but the sort of facts which the pluralist would point out as tending to substantiate his view may be indicated very briefly.

Let us look first at the question as it touches the relations between states. Political monism, starting as it does from the conception of a supreme authority, can recognize between states only a moral relation. The treaty is an agreement or promise; by a figure of speech it may be thought of as a sort of contract though no consistent monist can really bring it under this legal category. But however the relaton is conceived it must at all times leave the will of the state unimpaired. For if the state's will

[2] H. Krabbe, *The Modern Idea of the State*, English tr., pp. 98ff, 133ff, 147ff.

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were in any way impaired, it would at once cease to be a state. All international relations, therefore, must reduce to the mere promise of the state to bind itself, revokable at will, since the power that can bind can also loose. At the other extreme there are the administrative districts of a centralized state which determines throughout the competence of its creatures. Between these two extremes there is for the monist,—nothing. But surely it is obvious that most of the relations between political units are in fact somewhere between the two, whether the fact has juristic recognition or not. And in truth the fact may very well gain some sort of juristic recognition.

Already the Covenant of the League of Nations recognizes the distinction between the principal powers and the other powers included in the league. The wording of the Covenant is studiously chosen to avoid any offense to prevailing ideas of national sovereignty, and provision is expressly made for the withdrawal of a state, subject to the condition that all its international obligations have been fulfilled. Let us suppose, however, that the league functioned successfully for a few years and proved to be even a slight improvement upon previously existing means for the enacting and enforcing of international law. Is it not entirely possible that a state, especially one of the lesser powers, might be met with a very effective resistance if it actually attempted to withdraw? Is it not even probable that such a state would not be left to determine for itself whether it had fulfilled all its international obligations? If this happened, should we have to presume, on the other hand, that the legal competence of such a state was fixed by international law and that it had become juristically an administrative division of an international state?

In view of the rudimentary nature of what might be called international constitutional law, any such interpretation of the facts is certainly forced, and unless one claims the gift of second sight, one can hardly base monism on the presumption that such an interpretation will perhaps be correct a century or two hence. In the meantime, any clear delimitation of state authority and international authority would simply not exist, and yet the

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citizen of the small state might find himself actually subject for certain purposes and in certain respects to a more or less effective international law, as well as to the law of his own state. Conflicts between the two might arise without there being any adequate way to adjudicate them, and the relations between the two authorities would have to depend largely upon gentlemen's agreements and negotiations. Such agreements might be perfectly effective in practice, and yet it might be a pure fiction to regard them as cases of the delegation of authority or as purely the fulfillment of promises voluntarily given and without legal sanction.

A very similar class of cases, which are virtually international in character, is to be found in the relations between the British Parliament and the self-governing dominions of the British Empire, though here the theory of parliamentary sovereignty was in possession of the field before the imperial problems were recognized. Years ago Bryce asserted that the theory of legal sovereignty had no more to do with actual political power than a demonstration in geometry had to do with the irregularities of a figure drawn upon paper, surely a most inapt comparison to justify juristic formalism. In commenting upon this statement, and referring especially to the sovereignty of Parliament, Professor McIlwain has pointed out that there is more than a little danger about a theory which can be maintained only upon the condition that it is not to be put into practice.[3] It was in fact neither more nor less than the effort to act upon the theory of parliamentary sovereignty that was responsible for the disaster of the American Revolution. No one will argue that the policy of Parliament toward the American colonies was a triumph of clear scientific reasoning, though juristically Parliament had a good case. That policy was in fact nothing better than a muddle-headed use of unsuitable legal analogies, and this illustrates precisely the danger to which an undue simplification of political problems is exposed.

[3] *The High Court of Parliament*, Ch. 5. The passage in Bryce is in his *Studies in History and Jurisprudence*, ed. 1901, p. 501.

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Humanly speaking the simple is the familiar; sooner or later a policy guided solely by the idea of simplicity will sacrifice facts to some cast-iron scheme of legal relations. The successful development of the British imperial system after the American Revolution was possible only because statesmen cut themselves loose from the theory of parliamentary sovereignty and proceeded to deal in an objective way with relations that existed in fact. Upon what gound can anyone reasonably hold that a theory of the state ought to cut itself off from this wealth of actual and effective relations, in order to shut itself up in the framework of a simple system of juristic categories? The categories must follow the facts, for beyond doubt the facts care nothing for the categories.

The pluralist, then, insists that the relations between states are at present various, are apparently in a state of flux, and that types of political relation are in process of formation to which such simple notions as the delegation of authority can be applied only by doing violence to them. How long this loose-ended state of affairs can last, or whether it can ever be fully supplanted by authoritative juristic means for defining jurisdictions, is a matter of speculation. The process will go on, if at all, not because of the desire for a consistent juristic theory but because conflicts are inconvenient, and in any case it cannot go faster than effective limits of jurisdiction can be found and effective authorities developed.

Was not this the case with the development of our own federal unity? The Constitution certainly did not in itself provide for all the possible conflicts between the states and the central government; no workable scheme probably could have been invented in 1787 and the Convention was properly very cautious about offending the sensitivity of the states. During the first half century of our history there did in fact occur a number of conflicts, involving for example the question whether a state might annul federal legislation so far as its own citizens were concerned, which were not decided in any definite way at the time. For one reason or another the questions were not pushed through to a decision, perhaps because neither side cared to go to extrem-

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ities, and if the slavery question had not been one upon which men were willing to go to extremities, conflicts of this sort might have remained undecided down to our own day. The fact is that in the early history of federal government there was no principle upon which a monistic American state could be said to rest. That principle was the creation of fifty years of political development and experience. Why should a political theory be compelled to assume, in defiance of the facts, that every juristic development takes place instantaneously, by some process analogous to the promulgation of an authoritative decree?

A second class of cases in which the pluralist discerns a drift away from the political monism of the immediate past is found in the extraordinarily rapid proliferation of governing agencies within the state, especially those necessitated by the unprecedented conditions of highly industrial societies. The growth of industrialism has created an enormous volume of relations in fields which formerly called for little if any juristic regulation, and moreover these relations are so highly technical in their nature and so subject to modification by changes in the state of the arts, that any effective regulation of them calls for an expert knowledge and a steadiness of application quite beyond the capacity of our ordinary legislative bodies. Upon this point there is little or no difference of opinion, for the multiplication of boards and commissions having a delegated authority to deal with such questions is clearly the outstanding development of our government within the last thirty or forty years. But in spite of this development it is constantly asserted that Congress is still unable to cope with the volume of business which it ought to transact. Slowly but surely these commissions, which mostly started as branches of the executive, are coming to exercise judicial functions and are getting an authority which is virtually if not admittedly legislative.

In this connection we may recall the exceedingly suggestive paper by Mr. W. F. Willoughby entitled "The National Government as a Holding Corporation,"[4] in which he argues for the

[4] *The Political Science Quarterly*, 1917, Vol. 32, p. 505.

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acceptance of this type of business organization as the only practicable analogue for the relations between Congress and various departments and branches of the federal government. These departments he would have organized virtually as chartered corporations with a large amount of legal, administrative, and financial autonomy. Congress, as the representative of the central or holding corporation, would of course for the present retain its full legal authority over the subsidiary corporations, and the juristic relation between them would be one of delegation; but Mr. Willoughby is careful to point out that this would involve a different notion of delegation from that commonly held. Instead of delegating specific authority to do definite things, Congress would delegate a very general authority and then hold the subsidiary corporation responsible for its use. In short, this change in the notion of delegation is substantially similar to that which takes place in passing from a unified government with a single sovereign body to the federal form of organization. And indeed Mr. Willoughby says that he contemplates a federalism of function which shall be in principle no more than an extension of the territorial federalism already in existence.

It must be clear that delegation in this latter sense is a very much looser conception than when the term is used to mean a definite permission to do a definite thing, for it is consistent with a very great variety of actual relations between the central authority and the body to which power is delegated. The monist will no doubt insist that it nevertheless involves no violation of monism, that he holds no brief for the meddlesome sovereign. But at all events it does involve a very considerable change of emphasis, for it throws into relief not the authority of the sovereign but the point at which he becomes meddlesome. The whole purpose of distinguishing the two sorts of delegation is to preclude any detailed interference with the manner in which the delegated authority is to be exercised. The function of the central authority would consist in holding the self-governing bodies to an accounting and very largely to settling the relations between them. It is clear, moreover, that the more extended the functions of the self-governing corporations became, the

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nicer and more delicate the task of coördinating them with one another. It is not hard to imagine a development which would make this a fitter subject of negotiation than of authority and one in which an inconsiderate attempt to exercise authority would be as disastrous as that upon which Parliament ventured in 1776. In fact, a federalism by functions, if such a form of government comes into existence, will certainly be a much more delicate and complicated piece of political mechanism than the world has yet seen. It will hardly be kept in repair by so blunt a tool as mere authority.

In conclusion, the fundamental difference between political monism and political pluralism is that they envisage different aspects of juristic and political processes. The central principle of juristic monism, as we have seen, is the conception of a system of legal obligations so coördinated that conflicts of jurisdiction can be settled by the application of the law itself and from which accordingly the possibility of contradictory obligations has been so far as possible removed. Understood for what it really is—an inevitable ideal for any system of law that is to be capable of orderly administration—, this principle must be admitted to represent a tendency which any stable political system will always show. But it is evident that this theory moves within the realm of achieved legal norms. It presupposes that workable limits of jurisdiction have been found and that legal relations have been generalized and simplified by use.

The pluralist, on the other hand, envisages another phase of the juristic process, the tentative experimental stage in which a workable standard is being built up. His protest is against the extension of juristic concepts by a mere process of logic, which means in effect the forcing of new facts into old categories. He insists that political relations, whether between states or between functional parts of the same state, are in fact various, that beyond a certain point they cannot be simplified and generalized, and that there are always growing edges where political relations depend more upon agreement and good will than upon authority. Such agreement has in fact to be reached by the interchange of

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opinion, the compromise of differences, and the harmonizing of interests,—in short by negotiation.

Surely both these aspects of law and government are too vital to be set in opposition to one another or to be neglected by any reasonable political theory. For my own part, then, I must reserve the right to be a monist when I can and a pluralist when I must.

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THE INFLUENCE OF POLITICAL PLATFORMS ON LEGISLATION IN INDIANA, 1901–1921[1]

BURTON Y. BERRY

Numerically the political platform touches about six-tenths of one per cent of the legislation introduced in an average legislature. For instance, in the 1911 Indiana legislature, there were 1,111 bills introduced,[2] while only six bills originated in the political platform of the controlling, in this case the Democratic, party. This revelation, although startling at first, is somewhat deceiving. In the first place, the political platform does not attempt, nor do the party leaders desire it, to touch upon all phases of legislation. There are various kinds of legislation, such as the relocation of county seats, weed laws and individual relief laws, which are too local or trivial to be included in the state platform, and there are other types, such as anti-liquor legislation, which the platform avoids because of their magnified importance.

Although the percentage given is correct, this six-tenths of one per cent is about twenty-five per cent of the important legislation considered. In this study of the twenty year period in Indiana, beginning with the inauguration of Governor Durbin in 1901 and through the successive administrations and ending with the first legislature under Governor McCray in 1921, we are

[1] For the study of this subject, the daily newspapers were the most fruitful source of material. The *Indianapolis News* and *Indianapolis Star* for the period of years 1901 to 1921 gave invaluable aid. The earlier platforms were secured from W. E. Henry's *Indiana Political Platforms*, 1850–1900. Later platforms were taken from the *Indiana Legislative and State Manual*, which was published in 1903, 1905, 1907, 1909, and 1913. The platforms not taken from these manuals were clipped from the newspapers quoted. The governors' messages are found in the Indiana *Senate Journal*, or the Indiana *House Journal*. The *Session Laws* from 1901 to 1921, and Burns' *Annotated Statutes* were used in determining the platform planks and governors' suggestions that became law.

[2] Indiana *State Journal*, and Indiana *House Journal* for 1911.

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interested in those platform planks alone which positively pledge the party to legislation. In every platform, about two-thirds of the space is taken up in condemning the other party, lauding the past record of the party and congratulating the people upon their choice of candidates. In discussing the planks of the platforms, such "pointing with pride" and other similar vague expressions will be ignored.

This seems to indicate that the platform is not the chief, but a secondary influence, and, as will be seen, is largely dependent upon the influence of the governor to make it effective. The governor is given but little constitutional power to direct legislation and yet, in fact, he has frequently become the guiding force in legislation.

The change in character of the office of governor, resulting from the reformation of the original state governments and the redivision of powers between their several branches, has brought about a corresponding change in the normal relations between the executive and the legislature, and has rather tended to enhance the importance of the governors' legislative powers and to diminish the gap that once was supposed to separate the chief executive from the legislature.[3]

"It has been impossible," says Goodnow, "for the necessary control of politics over administration to develop within the formal governmental system on account of the independent position assigned by constitutional law to executive and administrative officers. The control has therefore developed in the party system."[4] An extra-governmental, superior or controlling agency has been created in the form of the political party. For this reason, the party in our system of government is more powerfully developed than elsewhere. In short, the party is in a sense the government. The party being the government, it is one more step forward for the governor to become director of legislation, because of his personal influence as a party leader.

The modern idea of a political platform is not a detailed program of legislation, but a declaration of principles. The

[3] Holcombe, *State Government in the United States*, 327.
[4] Goodnow, *Comparative Administrative Law*, 46.

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program of specific legislation is usually left to the governor to include in his messages to the legislature. Hence, in order to determine the influence of platform planks, it has been necessary not only to analyze the platforms, but also the governor's messages, in order to determine the governor's personal influence and learn the interrelation of these several factors.

INFLUENCE OF THE PLATFORM ON LEGISLATION

The political platform, does not exert any influence on the great majority of laws enacted and bills proposed. There is a great mass of minor legislation, such as legalizing the incorporation of towns, the granting of relief to individuals, and numerous other bills of a similar character which are too trivial to be included in any platform. On the other hand, there is another type of legislation which is scarcely ever included in a platform because of its importance.

As an example of the latter, political parties in Indiana failed to take any stand on the question of woman's suffrage until it was clear that the entire state was behind such a movement, despite the fact that this was one of the most important subjects before the legislative sessions of 1917[5] and 1919.[6] This measure never received approval or even consideration in the platform of either political party, but when the federal constitutional amendment, granting suffrage to women, came up for a vote, it received the unanimous approval of both Republicans and Democrats. Political parties in this state were likewise unwilling to take a stand on the prohibition movement. However, both parties were quick to congratulate the people upon its passage.

It is evident, then, that there are important measures which the political party purposely avoids, apparently because it is afraid to take a definite stand. It must be said in justice to the parties, however, that it is not always the fear of failure of the reform which causes them to avoid this issue, but the absence of historic party lines on the subject. More people are affected

[5] *Indianapolis News*, March 5, 1917.
[6] *Indianapolis News*, March 10, 1919.

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by the tax laws than any other group of laws, nevertheless, until very recently, the parties have failed to mention this question of taxes in their platforms.[7] This is due to the fact that there are no historic party lines on the subject, and that there is a wide difference of opinion within each party.

The platforms of the political parties in Indiana have been very susceptible to public will, while at the same time they seldom contain the issues which subsequently prove to be the main issues of the session. The 1914 platform of the Democratic party, for instance, contained four planks recommending a workmen's compensation law, a state wide primary law, a conciliatory board for disputes between capital and labor, and legislation authorizing state coöperation with local authorities for the prevention of flood disasters, such as existed in 1913. All these things were undoubtedly important, and yet the time they consumed in the legislature was very limited. The first half was devoted almost exclusively to woman's suffrage, prohibition, and the proposal for a constitutional convention. The greater part of the time of the latter half of the session was taken up with a finance board bill for Indianapolis.[8]

These four measures which proved to be the main issues of the session, were not even suggested in the platform of either party and yet they required practically all of the attention and time of the legislature. Previous to the opening of the session in 1915, these measures had not been especially called to public attention as impending at the coming session. It was generally conceded that the Democratic party had done well by including the pressing issues of the day in its platform, and yet, on the legislative floor, the platform subjects did not take one-twentieth of the legislature's time. Attention is called to this by the *Indianapolis News* which said, "This year's Democratic platform is unusually

[7] The first Indiana platform plank on the subject of taxes in this century appeared in the Republican platform of 1918.

[8] For extensive comment on the 1914 Democratic platform and the 1915 legislature, see the editorials of the *Indianapolis News* and *Indianapolis Star* from January 12 to March 9. Especially noteworthy are those appearing between the dates January 20 and February 26, inclusive.

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responsive to public will and reflects, in a superior manner, the prominent issues of the day."[9]

Since the prohibition movement had been under discussion intermittently in the legislature for twenty-five years, and as bills were introduced in the legislature as early as 1854 extending partial suffrage to women,[10] these cannot be regarded as new questions. The sentiment for them was constantly growing stronger, and opinion was becoming more definitely divided along these questions. Women were granted the privilege of voting for presidential electors in 1919,[11] and state wide prohibition was enacted in 1917.[12] It is significant to note that two years before laws embracing these subjects were enacted, there was no mention of either question in the platforms.

This absence of specific mention in the platform cannot be laid to ignorance of the existence of the questions of woman's suffrage and prohibition, but it can be said to be a clever means by which the party in power camouflaged real issues by creating and emphasising others, and diverting public attention to these issues. Nevertheless, behind all this, there is discernible a tendency, skillfully concealed at times and boldly flaunted at other times, in which the politicians try to avoid the real issues of the day in the platforms. Indiana platforms, it would seem, in comparison with those of the other states, are sincere and do reflect public will, but the public will is pretty well crystallized before the platform-mirror is sufficiently clear to reflect it. That is, in the case of this type of issues, the party platform is very definitely the reflection of only those issues which public opinion has already crystallized.

It is seldom that a measure is passed during the session which immediately follows its introduction into the platform. After consideration in two or three sessions, however, that measure is frequently in the statute books. The service of the platform in "advising for consideration" such and such reforms is educative.

[9] *Indianapolis News*, March 8, 1915.
[10] Esarey, *Indiana History*, II, 631.
[11] See *Session Laws* of 1919, ch. 2.
[12] See Indiana *Session Laws*, 1917, ch. 4.

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The platform is the campaign text of political orators. Its planks are explained whenever there is a political meeting. This wide publicity which the platform receives during the campaign brings the needs of the state directly before the people and educates them to appreciate the problems which are pressing for solution. After several campaigns and a possible discussion in one or two legislatures, the measure is well enough known by the people and the law makers to be favorably considered and passed. Thus, we can say that the platform may be a text for the education of public opinion, which will indirectly, but none the less surely, influence legislation.

The Republican platform of 1902 affords an excellent example of this educative influence of the party. One plank of this platform read, "We recommend to the General Assembly that the laws touching the garnishment of wages be revised."[13] In 1902, a very small percentage of the electorate, and not a much larger percentage of the legislators, knew what the laws touching the garnishment of wages included. After the campaign and the legislative session, the general knowledge of this subject was somewhat higher; but another campaign and legislature had to be gone through before the people were sufficiently educated on that reform to demand legislative action in accordance with the 1902 platform plank. That is, it was not until the 1907 legislature that the 1902 proposal was well enough understood to be carried out in concrete legislation.[14] This illustration demonstrates first, the improbability of passing a reform measure the session after it is first introduced in the platform, and second, the great influence that the platform has on the electorate as an educational document.

Until after 1905 the party platform contained few planks referring to proposed legislation; but since then the number has increased. Of the 67 platform planks introduced by the successful political parties during the twenty year period considered, 41 were accepted by the legislature.[15] This would seem to be

[13] *Indiana Legislative and State Manual*, 1903, 123.

[14] Indiana *Session Laws*, 1907.

[15] In 1900, the platform of the controlling political party proposed two planks, and both were enacted; in 1902, one plank which failed; 1904, three planks, two

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fair proof that the platform of the majority party has a decided influence upon the legislation of the general assembly. However, in reviewing the legislation, we find that the governor either in his annual messages or in special messages, supported and made "administration measures" 36 of the 67 planks proposed by the platform.[16] But of the 36 measures he adopted from the platform 25 became law, while of the remaining 31 measures of the platform not supported by the governor, only 15 were enacted into laws. On a percentage basis, seventy per cent of the platform measures supported by the governor became law, while of the platform measures not supported by the governor only fifty percent were made a part of the statutes.

In 1921, there were 280 laws passed by the legislature[17] and seven, or about three per cent had their source in the platform of 1920. Similarly, the legislature of 1919 passed 234 acts,[18] 10, or almost five per cent of which, came from the 1918 platform. Of the 360 laws enacted in 1913,[19] two, or only one-half per cent, came directly from the 1912 platform. An average of these years shows that less than three per cent of the legislation enacted can be directly traced to the political platforms. It appears then, from this study, that the platform affects only a small portion of the laws passed at a regular session of the legislature. This small portion, however, is the policy forming type of legislation, such as authorizing the governor to prepare a budget and giving him the removal power over some of his appointive offices; and because of it being policy forming this small per cent that the platform affects is highly important.

passed; in 1906, eight planks, six passed; 1908, eight planks, all failed; 1910, six planks, four passed; 1912, six planks, four passed; 1914, four planks, four passed; 1916, eleven planks, four passed; 1918, twelve planks, ten passed; 1920, eight planks, seven passed.

[16] In 1901 and 1903, there were no platform planks contained in the governor's message; in 1905, two measures, both of which passed; 1907, six proposed, six passed; 1909, three proposed, one passed; 1911, four proposed, four passed; 1913, two proposed, one passed; 1915, four proposed, four passed; 1917, nine proposed, five passed; 1919, fourteen proposed, six passed; 1921, six proposed, four passed.

[17] Indiana *Session Laws*, 1921.

[18] Indiana *Session Laws*, 1919.

[19] Indiana *Session Laws*, 1913.

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Special sessions are called by the governor only when, in his opinion, there are emergency measures of sufficient importance to warrant the summoning of the legislature with the attending expenditure of funds and the danger of providing campaign material which could be used by the opposing party in the next election. The special session is not limited by the constitution to consider only those things which the governor includes in his call; consequently, if the governor wishes to limit the activities of the special session to his own proposals, he must secure the promises of a majority of the members to that effect before he issues his call.

Since special sessions are regarded as the means to legislate upon an emergency and as the political platforms seldom foresee emergency provisions, there is little contact between the special session and the political platform. In the case of the local option law of 1908, we have an exception to this rule. The local option provision for the selling of intoxicating liquor was a plank of the Republican platform of 1906.[20] It was introduced in the 1907 legislature but failed to pass. Governor Hanley, being an advocate of restricting the sale of liquor, suggested it to the special session of 1908, in which session it passed.

The other two special sessions which occurred during the period, that is the two sessions of 1920, considered no platform planks. They occupied themselves exclusively with the governor's suggestions. Therefore, it seems possible to conclude that the work accomplished at the special session is emergency work which arises after the adoption of the platforms, and that the political platforms influence the special sessions very little.

There is no denying that the political platforms in Indiana are influential. That they are, but they need some other means to make them effective. Someone has compared the planks of the political platform to the electric light bulbs, and the influence of the governor to the current that makes the light bulbs effective. This is a good comparison in that in either case, both parts make an effective combination. The comparison is again true in referring to the governor as the electric current, which, if unbridled,

[20] *Indiana Legislative and State Manual*, 1907.

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can do considerable harm, but if directed toward the proper end by the bulbs, or, in this case, by the planks in the platform, is capable of great good.

The tendencies throughout this period seem to give the platform a greater place in politics, to increase its prestige by including more specific planks, and a greater redemption by the legislature of the planks proposed therein. The modern platforms do not include all, or even the most important issues of the day, but they are considerably better in this respect than those of twenty years ago. The platform is important, but after all, it is the governor that is the determining influence as to whether a platform plank will be carried into effect or not. He is the vitalizing influence without which much of the platform would remain ineffective.

Beginning in Indiana with the 1902 platform, there is a gradual increase in the number of planks advocated by the party in power, while at the same time, the party out of power also favors many advanced measures. This characteristic of the party out of power to propose more numerous reforms than the ruling party is less developed in Indiana than in many other states. This is probably due to the fact that Indiana is a doubtful state, and before each election it is difficult, if not impossible, to determine the outcome; thus, with the outcome of the election doubtful, both parties hesitate to make rash promises, which they might be called upon to fulfill.

Is the political platform merely a vote catcher or is it made with a good degree of sincerity? This is one of the questions most frequently raised when political platforms are under discussion. While drawing voters is undoubtedly one of the purposes of the platform, the fact that the party strengths are almost equally balanced in Indiana, makes it necessary for the parties to include in their platforms only those things which they are prepared to attempt to carry out.

THE GOVERNOR'S INFLUENCE ON LEGISLATION

Owing to the prominent position occupied by the governor in influencing legislation, it is impossible to consider the influence of

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the platform apart from the influence of the governor. The political platform and the governor's message have a greater influence on legislation in Indiana than all other factors combined. Consequently, it is necessary to consider these two influences in order to determine the relative importance of each, and in the case of differing opinions, to determine which one has been most felt in legislation.

The task of acting as the chief medium of a progessive law making body, has fallen to the governor. In his annual messages, he outlines a legislative program for the year and supplements it with special messages. Every year, bills known as administration measures are introduced, which really emanate from the governor. Furthermore, he appears before informal meetings of legislative committees, and discusses with them questions of public policy, advocating measures which he thinks public opinion demands. Finally, he sends for members of the legislature, to urge them to vote for particular measures.[21]

The Indiana governor is regarded today as an important figure in the party organization, and thus as having a great influence in drafting the platform. This is not a right that he has obtained by precedent of long standing. In fact, it is a comparatively recent development, caused by the lack of constitutional power[22] and the former tendency to make the governor a nominal head. The only persistent and general extension of the governor's legal authority in the control over legislation has been through his veto. But, as in every other constitutional government, there are changes in the actual government not registered in the written document.

Political platforms, supposedly, are part of the unwritten constitution, in that they bind the governor, and other elected officers to redeem the party pledges. If the governor is to accept the platform as his guide, he must have some part in making it. The close relation between the platform and the governor, and the

[21] Ostrogorski, *Democracy and the Party System in the United States*, 174.

[22] Article V of the Constitution of Indiana (1851) deals with the power of the governors. The only references to his legislative power are in sections 14 and 15 which explain his veto power, his ability to call a special session of the legislature, and his messages which he sends from "time to time" to the legislature.

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necessity for the governor becoming a factor in making the platform, is one reason for his rise as a party leader, a rise that has not been reached by any legal proceeding. In fact, the governor has been forced to go outside of the law, and develop power extra-legally, if he was to function as a political leader. This has been done within the political party where he is recognized as a leader in determining its policies which are expressed in the platform.

If the governor is not the dominant figure of the party, it is headed by a boss who, because of his irresponsibility, is a dangerous man to have dictating party policies. Thus the problem resolves itself into a choice between government by the direction of the governor, a legally recognized agent, or by the political boss. The new rôle of the governor is to act as a virtual boss of the state, and shape the course of legislation for the general benefit instead of for private or special interests. This has been so far recognized that plans have been suggested whereby the governor would be given the legal initiative in legislation, and the right to take part in the debates of the legislature.

The governors of Indiana have never been political bosses in the usual sense of the word. However, they have been important party leaders whose word was respected alike by the boss, and the rank and file. The state constitution forbids a governor to succeed himself.[23] This seems in a measure to lessen his responsibility to the people, as they are unable to express their opinion as to his success or failure at the next election. The ever changing political aspect of Indiana here proves to be a virtue, as the fear of a change, tends to make the governor conservative on the more radical issues of the day.

The latest tendency in Indiana, is to make the governor the legal head of his administration, and at the same time, to give him the initiative in legislative work. By his annual and special messages, his conferences, advices and suggestions, both publicly proclaimed and privately expressed, to legislators, he has become, to an extent, the extra-legal director of legislation.[24] Now it is

[23] Section 1 article V, *Indiana Constitution* 1851.

[24] Governor Goodrich's message to the legislature of 1917.

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proposed to let him assume an official rôle in the legislature. When a concrete suggestion to this effect was officially proposed by Governor Goodrich, in 1917, the Democratic party made much ado about it, claiming it to be an encroachment of the executive upon the ordinary function of legislation.[25] One of the most conservative periodicals of the state appreciated the necessity for this encroachment, and defended Governor Goodrich from the charge of executive usurpation, on the ground that he first tried to ascertain what was best for the state, and then publicly uttered his convictions. Such action, it contended, was "no government by executive usurpation, but government by public opinion after discussion."[26]

There has been some question as to the advisability of the governor taking an active part in the legislature since he is an administrative officer. A recognition of the fact, however, that within him is centralized both administrative and executive duties, and that he does play an important part as a party leader, justifies his participation in legislation. In fact, it is impossible to ignore the governor in discussing any exterior influence on legislation.

One of the first places in which the present position of the governor is discernible, is in his message where he speaks for the party. He speaks for the party by including in his message party issues, some of which appear in the platform. The earlier platform planks were vague and not applicable to anything specific. The governor, in his message, takes some of these planks that appeal to him, and makes something tangible out of them.

For example, one plank of the 1916 Republican platform pledged the party to abolish "the unnecessary public offices." Governor Goodrich, in his annual message, took this mild, unpromising plank, elaborated upon it, and in his message to the legislature, specifically applied it to the offices of state fish and game commissioner, state geologist, state entomologist, and state board of forestry, and the creation of a conservation com-

[25] Especially the *Indianapolis Star* in editorials between January 6, and March 5, 1917.

[26] *The Nation*, Vol. 94, p. 558.

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mission to look after their duties. This legislature was willing to create the new conservation commission, but it was loathe to abolish any lucrative offices that might serve as party spoils. The governor's message accordingly failed, but the legislature, feeling it must redeem its party platform pledge, abolished many clerkships in the different departments, and thus embarrassed the administration for want of adequate help.

This illustration is characteristic of the two types of planks. On one side, we have the vague, uncertain platform plank, which, for lack of specific knowledge of its meaning, we must consider as redeemed, if there is any legislation enacted on that subject. On the other hand, we have the practical, clear suggestion in the message which is counted as a failure if not carried out in almost the identical form in which it was proposed.

The first clear correlation of message and platform appears in 1905, when Govenor Durbin included two platform planks in his message.[27] Before that time, governors at times explained platform planks in their messages, but without making specific recommendations about them, and the platform and message were not considered as necessarily connected. This situation was probably due in part to the lack of platform planks relating to purposed legislation, but also in part to the fact that the governor had not established his influence in legislation. Since 1905, as the number of platform measures have increased, there has been a noticeable tendency for the governor to include and emphasize a number of platform provisions in his message.[28]

The eleven biennial governors messages of the twenty year period contain 156 suggestions for legislation, or an average of 14 to a message.[29] Out of these 156 suggestions by the various governors, 79, or about fifty per cent were enacted into law. As already noted during the same period, the platforms contained

[27] For Governor Durbin's 1905 message, see the *Senate Journal* of 1905, page 17.

[28] The number of platform planks included by the governors in their messages to the legislature have been as follows: 1900–0; 1902–0; 1904–2; 1906–6; 1908–3; 1910–4; 1912–2; 1914–4; 1916–5; 1918–6; 1920–4.

[29] The messages, arranged in consecutive years, contain the following number of planks: 1900—3; 1902—18; 1904—12; 1906—16; 1908—16; 1910—13; 1912—7; 1914—9; 1916—24; 1918—23; 1920—7.

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67 proposals, of which 41 resulted in legislation; but of these platform planks, 36 were also incorporated in the governor's messages, and 25 of the 36 became law. Thus of the platform planks supported by the governor more than twice as many were adopted than those that failed, while of the planks not supported by the governors not quite one-half (15 out of 31) were enacted. It therefore appears that the governor's support added to the platform plank more than doubles the probability of its adoption as law.

But the great majority of the proposals in the governors' messages have never had a place in the platforms. In the twenty year period, the governors have recommended more than three times as many measures not mentioned in the platforms as the measures recommended which were in the platforms; and the number of these independent suggestions has been nearly twice as many as the total number of constructive platform proposals in the same period. These additional proposals by the governor show the relative influence of the governor unassisted by the party platform; and their adoption by the legislature has been in direct proportion to the popularity of the governor. During the twenty year period, something less than fifty per cent of these non-platform proposals (54 out of 120) have been accepted by the legislature. This is about the same proportion of success as for the platform planks not supported by the governor; but the number of successful measures thus primarily proposed by the governor has been more than three times as many as the number of successful platform proposals not supported by the governor.

It thus appears, that, not only does the governor's message more than double the degree of success for platform proposals, but that his additional proposals not in the platforms result in much more legislation than the platform proposals not endorsed by the governor.

At special sessions, every measure proposed by the governors has passed before the session adjourned. Special sessions are called to meet emergencies, and the measures considered are therefore not of a platform nature. For instance, the special session of 1908 was called to enact legislation for the capture

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and punishment of night riders who stole across the Ohio River and raided the Indiana tobacco fields. Similarly, the January special session of 1920 was called to ratify the Eighteenth Amendment to the Constitution of the United States, and the July session of 1920 to make emergency appropriations. Probably the reason that the governor's program is carried out so thoroughly is not due so much to his influence as a party leader as to the fact that he secures the promises of a majority of members before he calls the session, that the program will be enacted, and the only measures enacted during a special session. The conclusion may be drawn that the influence of the platforms on the special sessions is nil, while the influence of the governor is 100 per cent.

There is another element that must be taken into consideration when studying the influence of the governor's messages. It makes a vast amount of difference whether the governor is delivering his inaugural address or a message after he has been in office two years, or whether he is delivering his farewell address. When the governor is delivering his inaugural address, he is speaking as an inexperienced man unfamiliar with his position.

It will be recalled that the Indiana governors are inaugurated before the legislature, every second session. At the time of inauguration, the governor outlines his program, based, in part, on the platform, with advice and suggestion to the legislature. When there is a change in politics, the program is usually long and detailed, but when the retiring, and the new governor are of the same party, the new man looks to his predecessor to give most of the advice. As an example of the latter, Governor Durbin, after taking the oath of office, said, "My distinguished predecessor Governor Mount, whose admirable administration has the endorsement of every fair-minded citizen, has but recently delivered to the General Assembly, a formal message in which he reviews existing conditions with characteristic force and felicity, and under the circumstances, I deem it appropriate that I should confine my remarks to generalities, rather than conventional recommendations."[30]

[30] Indiana *House Journal*, 1901, 72.

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The attitude of the governor, after he has been in office for two years, is illustrated by the second message of the same governor. This time, speaking on the state banks, which he believed to be the most important issue of the session, he said, "I recommend to the legislature that a law be immediately enacted definitely fixing a capital to be fully paid in cash as a basis for private banking, the minimum capital being $25,000.00, the same as now provided for the organization of State banks."[31]

It is evident from a comparison of this message with the inaugural address, that the governor, after two years' experience, has changed the tone of his message. The inaugural address showed indecision and willingness to let the retiring governor outline a legislative program. In his second address, he shows that he is now acquainted with his position, and is ready to make positive recommendations.

The last message of the governor to the legislature, follows very closely the tone of the second message. In this last address he is speaking to a legislature over which he will have no future control, and he speaks with the experience of a man who has been four years in office. Possibly a little of the positiveness of his second message is lacking, but this is more than balanced by the knowledge of his subject. As example, at the opening of the 1905 session, Governor Durbin, whose term expired in three days, in speaking before the legislature on what he thought would be the most vital measure of that session, said, "I believe that the General Assembly would do well to give consideration to the advisability of requiring general introduction of voting machines into all the counties of the state."[32]

These three messages of Governor Durbin illustrate the changing position of governor. In his inaugural address, he was content to let his predecessor, who was likewise a Republican and a close political friend, make all the concrete recommendations. After the governor had been in office two years, he spoke to the legislature as a man experienced in the general problems of state government, and who wished action. His

[31] Indiana *House Journal*, 1903, 20.
[32] Indiana *Senate Journal*, 1905, 23.

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retiring address shows a declining activity and the desire to let his successor immediately take up the advising of the legislature.

Platform planks, having become more concrete, may be said to have created an increasing influence on legislation. That is, it has been possible to trace legislation as the planks become more concrete. On the other hand, the platform has not kept pace with the governor. Therefore, it appears possible to conclude that, in comparison with the governor, the platform has become less important.

The twenty year period discussed demonstrates this increasing importance of the platform as an influence on legislation. Beginning with Governor Durbin's message to the 1905 legislature, and continuing through to Governor McCray's message in the 1921 legislative session, the platform has exerted a continuous influence on the governors' messages. This influence, judging from the number of platform planks included in the message, varies considerably with the influence that the governors had in drafting the platform.

It has been claimed that the governor writes, in a large measure, the platform of his own political party for the election that comes in the middle of his term of office. If this were true one would expect to find almost all of the platform planks incorporated in his message to the next legislature. The fact is undisputed that the governor does have a great deal of influence in drafting the platform of his party after he has been in office for two years, but the fact that there are more platform planks in his second message is not primarily due to this greater influence on the platform, but to his understanding that the legislators are sufficiently educated to the appreciation of the needs as expressed in the platform and as adjudged by him with his practical experience. It must be remembered that the platform does not precede public opinion, except possibly on such cases, as for example, mine laws, where the influence of labor unions, that is, a particular group, is of sufficient strength to get a plank for their relief incorporated in the platform. Since the general public, for the

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most part, has not an expert knowledge of these needed reforms, it takes the combined influence of the platform and the governor, usually with an intervening legislative session or two, to educate the people to the needs of reform and to secure the passage of such reform by the legislature.

In all the important issues, however, such as woman's suffrage and prohibition, the platform comes after public opinion, and at present the prevailing tendency seems to be for the parties to wait until public opinion is moulded before they venture to take a stand in the platforms upon such issues. If the issue is important and continuous over a considerable period of years, and if both parties in their platforms pledge themselves to enact a workable law on the subject, then the question will not be as to whether the bill will be passed, but to whom the credit will go for enacting the reform.

The tendency of all platforms is to generalize and the tendency of all governors is to particularize. The platforms in Indiana in the late nineties hardly deserved the name of platforms as they contained little but vague generalities. Beginning in 1900, the parties began to take a definite stand on a few questions. In the platforms of the first decade of this century, one is struck with the frequent use of the words, "We suggest consideration" of such proposals as the primary election laws. In the second decade, the parties took a more positive stand by changing the wording of their platforms to read, "We pledge ourselves to the enactment by the next legislature" of such reforms as the revision of the tax laws. It is evident, then, that the platforms of the state parties in Indiana are getting away from this old tendency to generalize, and are particularizing and emphasizing specific points that should be enacted by the legislature.

Of course, the general plank of the platform will never be entirely eliminated, because it is from the general plank, when public opinion is sufficiently crystallized, that the special plank is developed. The general plank draws the attention and consideration of the public and thus creates the background for specific suggestions, either in the governor's message or in some subsequent platform. For example, the Republican party, in

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its 1918 platform, urged the abolition of unnecessary public offices. Governor Goodrich took this general plank and interpreted it to mean such offices as state geologist, state statistician and others. Thus, it may be said that it is the purpose of some general planks to pave the way for the specific suggestions of the governor.

The last twenty years in Indiana illustrate the predominance of the governor over the platform. We have seen that nearly fifty per cent of the governors' suggestions, which cover more than twice the number of subjects and amount of legislation that is covered by the platform planks, have been enacted by the legislature. The platform planks, which the governor takes into his message and makes administration measures, receive the largest percentage of success, as over seventy per cent of such platform-message suggestions are enacted by the legislature. In considering the planks of the platform not supported by the governor during the last twenty years, only about fifty per cent were carried into effect by the legislature. Thus, a platform plank has double the chance for enactment if it is supported by the governor than has a platform plank which has not received the governor's support.

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LEGISLATIVE NOTES AND REVIEWS

EDITED BY WALTER F. DODD

Illinois Rejects New Constitution. On December 12, 1922, the people of Illinois rejected a proposed new constitution by a vote of about 900,000 to 200,000. A former note in this REVIEW (Vol. 15, p. 258) called attention to the earlier stages of the Illinois constitutional convention, and indicated the issues that were then important in the work of that convention. The convention assembled on January 6, 1920, and did not complete its labors until September 12, 1922.

The most important new features of the rejected constitution are the following:

(1) The present constitution of Illinois provides for a general property tax, and does not permit classification of property for this purpose, or the use of an income tax. The proposed constitution would have permitted the substitution of an income tax on intangibles for the general property tax upon this property; and would also have authorized a general income tax on all net incomes, in addition to other taxes.

(2) The proposed constitution consolidated the courts of Cook County, simplified to some extent the organization of courts in other parts of the state, and gave the supreme court power to make rules of pleading, practice, and procedure.

(3) Under the rejected constitution Chicago would have been given power to frame its own charter, and would also have received powers of municipal home rule.

(4) Under the present constitution, representation in both houses of the general assembly is based upon population; but no reapportionment has taken place since 1901, and Cook County with 47 per cent of the population has but 37 per cent of the representation in the two houses. Under the rejected constitution Cook County representation was to be permanently limited to one-third in the state senate. In the house of representatives all parts of the state were to be represented in proportion to the number of votes they cast for governor. The cumulative plan would have disappeared and members of the house of representatives would have been elected from single districts. In future constitutional conventions Cook County was to be limited to 45 out of 121 members.

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The constitutional convention was a conservative body. Proposals for the initiative and referendum and for the short ballot found little favor. The necessity for a convention was largely forced by the present difficulty of amending the Illinois constitution, but the convention was unwilling to do much if anything toward simplifying the method of amendment.

The proposed constitution contained many good provisions, and it may be worth while to point out some of the reasons for its overwhelming popular defeat. One of the important reasons is the long amount of time taken by the convention for the completion of its work. The issue of Cook County representation caused a sharp division among the members, and frequent recesses were taken in order to obtain some compromise upon this proposition. The compromise finally reached was not satisfactory; and the frequent recesses of the convention extending over a long period led many people to the conviction that nothing was to be expected from the convention's work.

The issue of representation had a large influence in Cook County; but in only 26 of the 102 counties of the state was there a favorable vote upon the proposal. In Cook County only about one voter in seventeen supported the document, but the vote outside of Cook County was about three to one against it. There was much misrepresentation both for and against the proposal. It is probable that fear of increased taxation was the chief influence producing the heavy vote for rejection.

The opposition was able to organize more effectively because the convention submitted its work as a single document, thus uniting all of the forces opposed to any single change. The majority against the proposed constitution was made up of a series of diverse minorities, no two of which fully agreed upon their grounds of opposition. The convention was urged to submit all important controversial issues separately, as was done in 1870, but declined to adopt this policy. Had this been done, the people would probably have adopted a number of the proposed changes.

Another important factor in defeating the proposed constitution was the plan of draftsmanship employed by the convention. Both the delegates to the convention and the people were satisfied with most of the provisions of the constitution of 1870, and did not desire to change them. The convention, however, decided that the whole document should be rewritten, because of a feeling that many of its provisions could be expressed in better form. This decision would not have been

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dangerous in the case of a mere literary composition. But the constitution is a legal document, and its provisions had been construed by the courts over a long period of time. To change the language of these provisions involved the danger of introducing changes in substance, even where no changes were intended. Changes in substance actually were introduced in many cases without an intention to do so; and changes in form of language aroused suspicion that concealed results were intended, even where the changes were entirely innocent.

The popular result was occasioned primarily by the following influences: (1) taxation; (2) representation; (3) the necessity of voting upon the document as a whole; and (4) distrust of a document whose language had been changed in cases where admittedly no change of sense was intended.

The constitution of Illinois needs change as badly as it did before the assembling of the constitutional convention of 1920. The defeat of the proposed constitution was not an expression of satisfaction with things as they are. The people of Illinois will not and probably should not take steps immediately for the assembling of another convention. Efforts will now be centered upon the attempt to obtain an easier method of amending the present constitution through legislative proposals.

W. F. D.

Constitutional Amendments in Vermont. Under a joint resolution of the Vermont general assembly of 1919, the governor appointed a commission of seven members, five of them lawyers, to prepare and present to the next session of the assembly proposals of amendment to the state constitution. Public hearings were held by this commission, and its report was presented to the governor in December, 1920, in time for consideration by the assembly of 1921.

Nine proposals were presented; a minority of the commission reported against two of these proposals, and made three minority proposals. Both majority and minority proposals were accompanied by brief statements of reasons in support thereof.

Under the state constitution proposals of amendment must be made by the senate, by a two-thirds vote; if concurred in by a majority of the members of the house they are entered on the journals of the two houses and referred to the general assembly "then next to be chosen," and published in the principal newspapers of the state. If a majority of the members of the senate and house of the next general assembly shall concur in the same proposals, it shall be the duty of the assembly

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to submit such proposals to a direct vote of the freemen of the state; and such of them as shall receive a majority of the popular vote shall become a part of the constitution.

Thus the commission above referred to was an extra constitutional agency, its purpose being to aid the senate in the exercise of its constitutional right to initiate amendments. Its report was laid before the senate, both majority and minority proposals being severally embodied in resolutions and referred to the senate judiciary committee. Other proposals were initiated by the senate, the total number considered being twenty-two. Of these eight only were adopted by the senate, by the requisite two-thirds majority; the house concurred in only four of these, so that but four proposals of amendment are to be acted upon by the general assembly which met in January, 1923.

The first proposal adopted amends section 34 of Chapter 11 of the constitution, which defines the constitutional qualifications of a freeman and prescribes the freeman's oath, by broadening it to include "every person" instead of "every man." The obvious purpose of this proposed amendment is to make the state constitution consistent with the federal Constitution as modified by the Nineteenth Amendment.

The second proposal is intended to confer upon the general assembly power to regulate by law the mode of filling all vacancies in the house of representatives which shall occur by reason of death, resignation or otherwise. The commission pointed out that the constitution as it now stands is obviously defective in that, while the general assembly has authority to provide by law for filling vacancies in the senate, no analogous provision exists for filling vacancies in the house. On this point the commission remarked that, in the absence of any constitutional provision to that effect, it has been generally held that vacancies in the house may not be filled.

The third proposal adopted by both houses amends Article 10 of Chapter 1 of the constitution, which prescribes the rights of the accused in criminal prosecutions, by adding thereto the following: "Provided, nevertheless, in criminal prosecutions for offenses not punishable by death or imprisonment in the state prison, the accused, with the consent of the prosecuting officer entered of record, may in open court or by a writing signed by him and filed with the court, waive his right to a jury trial and submit the issue of his guilt to the determination and judgment of the court without a jury.

In support of this proposal the commission cited State v. Hirsch, 91 Vt., 330, wherein the supreme court held that under existing statutes,

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if a person be accused before a municipal court of a crime within the jurisdiction of the court to try and determine, he may not waive a jury trial. The commission argued that while this decision was not put squarely upon constitutional grounds, the inference from it was that there is a constitutional objection to the waiver of trial by jury in criminal cases; and that while conditions existing at the time the constitution was adopted, or at least fresh in the minds of its framers, may have justified the binding phraseology of the constitution with reference to the right of jury trial, such conditions have long since passed away. In fact, it was pointed out that in some cases the present constitutional guaranty may operate to the positive disadvantage of the accused, as well as of the state.

The foregoing three proposals were all of those presented by the commission to be approved by both senate and house. The fourth proposal to run the gauntlet of both houses was senate proposal number eighteen. This is to amend Article 1 of the bill of rights, which declares the "natural, inherent and unalienable rights" of all men, by eliminating, in the latter part of the section wherein involuntary servitude as a servant, slave or apprentice is prohibited, the distinction as to age between males and females in respect to consent to such service, the uniform age prescribed being twenty-one years.

Of the four proposals approved by the senate but rejected by the house, one is of special interest,—commission proposal number two. This would enlarge the veto power of the governor by providing with reference to appropriation bills as follows: "If the Governor shall not approve any one or more of the items or sections contained in any bill, but shall approve the residue thereof, it shall become a law as to the residue in like manner as if he had signed it."

The commission placed this proposal upon the following weighty grounds: "Under our system, the so-called budget bill is necessarily considered during the last days of the legislative session and is often presented to the executive on the very eve of final adjournment. In this way the alternative is presented to the governor to approve the bill as presented or to veto the entire bill, which would necessarily involve much delay and expense as it is absolutely necessary that the general appropriation bill be passed. Thus the Governor in many instances may be actually coerced to approve items which he may believe to be inadvisable.

"We believe that the proposed amendment would tend to economy and greater care in the preparation and passage of appropriation bills.

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Thirty-five states have provisions in their constitutions for an item veto, which seem to be working very satisfactorily. As a large degree of responsibility must necessarily rest with the executive in reference to the expenditure of money, it would seem that he should be given power to approve such items of the budget bill as may to him seem advisable without compromising his judgment as to the other items which may seem to him inadvisable."

As stated, the senate followed the recommendation of the commission, but unfortunately the house refused to sanction any enlargement of the veto power, thereby defeating the possibility of submitting this most salutary amendment to popular vote.

The three other proposals approved by the senate but defeated in the house were: Number six, empowering the general assembly to provide by law as to recording deeds and convenances of lands, the constitution now expressly providing where such instruments shall be recorded; number nineteen, which would amend section 20 of Chapter 2 of the constitution, wherein the governor is given power "to call together the general assembly, when necessary, before the day to which they shall stand adjourned," by specifically limiting the competency of the assembly, when so called together, to such subjects as may be specified in the governor's proclamation; and number twenty-two, which also modified in a minor particular section 20 of Chapter 2 in respect to the powers of the governor.

Several of the proposals made by the commission, which failed of adoption by the senate, are of interest. Number four contemplated a modification of section 30 of Chapter 2, relating to the trial of civil issues by jury, by excepting from the class of cases triable by jury those requiring an accounting with numerous items, as well as those wherein the parties agree to trial otherwise than by jury. In fact this proposal had no great weight, because in practice parties ordinarily recognize the wisdom of trying otherwise than by jury cases involving a multiplicity of issues, and other tribunals are provided by statute for this class of cases.

Commission proposal number seven was intended to make the constitutional changes necessary to effect a return to September elections as they existed prior to 1914, when the constitutional amendment postponing them to November became effective. The commission does not argue this proposal at length; a minority of two dissented on the following ground:

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"From the standpoint of convenience, economy, uniformity and efficiency, we believe considerable loss would be sustained by the proposed change. The only advantage that we can conceive, of a return to the old date, would be the privilege of posing in the limelight for a few weeks in each presidential year. Even conceding that to be a worthy reason for changing, it would seem that the benefits received would not be commensurate with the cost."

Commission proposal number eight contemplated the addition to the constitution of a new section providing for the appointment of a commission with functions similar to those of the present public service commission, but with an enlargement of power conferred by the following clause: "Said commission shall have the powers of a court both at law and in equity in the determination of all matters over which it is so given jurisdiction and may render judgments and make orders and decrees subject to such right of review as the legislature may prescribe, and the legislature may provide such method of enforcing the judgments, orders and decrees of said commission as it may deem proper."

In explanation of this proposal the commission pointed out that, in view of the decision of the state supreme court, in Sabre v. Rutland Railroad Company et al, 86 Vt. 347, the exact character of the public service commission is somewhat in doubt, the court saying: "The public service commission is not in the strict sense a court, though like many administrative bodies it may exercise quasi-judicial functions, but it is a governmental agency provided for the administration, in respect to certain specific matters, of what in a broad though true sense may be called the police power."

In the view of the commission it was desirable to eliminate all doubt on this point by conferring upon the public service commission adequate power to enforce its judgments, orders and decrees. It found a precedent for this innovation in several state constitutions. One commissioner filed a minority report against this proposal, and it failed of adoption, his contention being, in substance, that it was unwise as a matter of public policy, and unnecessary from the standpoint of administrative efficiency, to create an additional constitutional court with jurisdiction over a definite type of business.

Commission proposal number nine was of a new section, as follows: "The General Assembly shall have authority to provide for compulsory voting at elections."

In favor of it the commission argued thus: "Suffrage is not an individual right of the citizen which he may use and abuse as his personal

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interests dictate; it is rather a function and a duty which is intrusted to him in order to insure representative government and the best interest of the nation. Every free government rests on the national will which alone should make the law and control the government and which will never be known if the voters neglect to go to the polls. Too great a neglect of this duty will not only hinder an expression of this will, but will render it uncertain and doubtful and even falsify it by displacing the true majority."

The commission further pointed out that Massachusetts and North Dakota have each recently adopted a constitutional amendment similar to the one proposed, and Oklahoma has a statute along the same lines; also that compulsory voting has become an established principle in several foreign countries, and has operated very successfully.

Evidently the senate deemed this proposition too debatable to warrant its submission to as conservative an electorate as that of Vermont; it was rejected by an almost unanimous vote.

Of the minority proposals of the commission, mention will be made of but two,—one proposing a change in the basis of representation in the senate, and the other removing the so-called timelock on constitutional amendment. The former contemplated the abandonment of the present county basis of senatorial representation, under which the legislature apportions to the several counties, from time to time, their respective quotas of senators, and the adoption of the district system, whereby the state would be divided by the legislature into thirty senatorial districts as nearly equal in population as practicable, with provision for a new division after each federal census. Each district would elect one senator. Under the present system each county elects its quota, varying from one to four.

The minority presented a strong argument in favor of this proposal, the gist of it being that the Vermont system of choosing senators and representatives is in violation of the fundamental principle of representative government, in that it involves grossly unequal representation in the constituencies. For example, two counties each with over 40,000 population have four senators each, while one county with less than 4,000 population has one senator.

The minority conceded that this violation of the representative principle is more gross in the Vermont house than in the senate, the largest city in the state being represented there by a single member, while the smallest town—in some cases towns with less than fifty inhabitants—has a like representation. But the minority frankly

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confessed the impossibility of changing the house basis; the event proved that their attempt to make at least one of the legislative bodies "represent population rather than acreage" was doomed to ignominious failure, not a single senatorial vote being cast for it.

The other interesting minority proposal contemplated the elimination of that curious provision of the Vermont constitution whereby it is rendered unamendable save at ten-year intervals. The proposed amendment would have preserved the existing machinery of amendment but made it possible for the senate to set it in motion at any session of the general assembly. It is significant of the highly conservative temper of the average Vermont legislator on this important question,—and in this respect he is without doubt fairly representative of the whole state electorate—that only four senate votes were cast for this proposal. A similar proposal made in 1920 met the same fate after full public discussion.

The minority argument for this proposal was unanswerable from the standpoint of political theory. No such timelock is to be found in any American constitution; if the people cannot be trusted with their constitution, under reasonable restrictions intended to make it reflect their deliberate will, they are unfit for self-government, the minority contended. Special emphasis was laid upon the fact that the people of the state know very little about their constitution, owing to the timelock, which automatically closes the door upon all effective constitutional discussion for long periods of time.

The result of this conservative amending process has been, whether for better or worse, that no state constitution has preserved its original form so closely as that of Vermont; none has been so free from the spirit of modern constitutional innovation and experimentation. It is significant that no proposal was advanced, either by the commission or in the senate, for the adoption of means of general amendment or revision by constitutional convention. Unless the general assembly may, by virtue of its inherent legislative power, call a constitutional convention, none is possible under the constitution as it stands.

It will be observed that the four proposals of amendment now pending all relate to matters of detail; none in any way changes the general scheme of government embodied in the constitution, or establishes any new agency of government, or broadens the authority of any existing agency. Thus Vermont presents the interesting example of an electorate that still successfully resists the temptation, so seductive in most of the other states, to transform its constitution into an elaborate code

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of law. Nor does this indicate a conservatism in governmental policy so extreme as would appear at first blush. That the people of the state are content with an eighteenth century constitution is to be accounted for, in the main, by the fact that, like that other classic model of eighteenth century constitution-making, their fundamental law is so general in its phraseology, so truly a constitution, one may justly say, as to permit of the exercise of governmental power ample to keep the state fairly abreast of modern governmental requirements.

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Indexing Statute Law.[1] The necessity for an adequate index to the statute law of all the states daily confronts those whose research leads them into the field of legislation. For this reason it has been thought well to present to these associations whose members have a common interest in the subject, a brief survey of what has been accomplished and it is hoped that there may be derived from the discussions following the papers to be read, some suggestions as to how to accomplish the work which remains to be done.

The pioneer work was done by Frederic Jessup Stimson who published his *American Statute Law* in two volumes, indexing legislation of general interest from the beginning to 1892.

In 1890, the New York State Library began the publication of the *Index to Legislation* (1890–1908), later followed by the *Annual Review of Legislation*, (1901–1908), and the *Digest of Governors' Messages* (1902–1908). This index appeared annually until 1908. Manuscript copy for the years 1909 and 1910 was destroyed by the fire of 1911; and although the index was reproduced and continued through 1912 in manuscript form, lack of funds for its publication resulted in the dis-

[1] A paper read before the joint meeting of the American Association of Law Libraries and the National Association of State Libraries in Detroit, June 28, 1922. Other papers presented at this meeting were: "Review of the Summary and Index of Legislation, the Digest of Governors' Messages and the Annual Review of Legislation, issued by the New York State Library," by John T. Fitzpatrick, Law Librarian; and "Indexing Legislation," by the Pennsylvania Legislative Reference Bureau. These papers have been published in the Proceedings of the National Association of State Libraries. A committee to consider the matter was appointed for the year 1922–23, as follows: Luther E. Hewitt, Law Librarian Philadelphia Bar Association; George Godard, State Librarian of Connecticut; Frank O. Poole, Law Librarian, Association of the Bar of New York City; Gertrude E. Woodard, Ann Arbor, Michigan; John T. Fitzpatrick, New York State Law Library.

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continuance of the printed index, to the great regret of all who had used it as one of their most indispensable tools. At present, states Mr. Fitzpatrick, "None of these publications are being continued by the New York State Library even in manuscript form."

The legislative drafting bureau of Columbia University, in the course of its research work, accumulated much valuable material which was made available in the form of an annual summary of legislation, appearing in the Proceedings of the American Bar Association under the title of "Noteworthy Changes in Statute Law" (1915–1920). This summary has also been abandoned.[2] It should be noted here, that the president of each state bar association, in his annual address customarily discusses the legislation enacted for the year then just past, and the hiatus from 1909 to 1914 is partially covered by portions of such addresses before the American Bar Association and state bar associations for those years.

In the report of the Librarian of Congress for 1921 (p. 98) it is stated that "The State Law Index, which covers only permanent general laws, commences with the year 1917, and is now substantially complete for 1920; the 1921 session laws are in many cases not yet available. An index similar to the State Law Index has also been prepared for the 1917–1920 session laws of Canada, Commonwealth of Australia and its provinces and New Zealand." There is no intimation that these indexes will ever be printed and it is understood by the writer that there are no funds wherewith to make the indexes available for general use.

The *American Year Book* published annually from 1910 to 1919 and since discontinued, contained under the appropriate subjects, citations to laws enacted during the respective years. The *World Almanac* also contains similar references.

Legislative reference bureaus are constantly contributing studies on various subjects for legislation, as for example the bulletins issued for the use of the Illinois and Massachusetts constitutional conventions. The Wisconsin, Michigan, Rhode Island bureaus and those of other states have issued many excellent digests in the form of legislative bulletins, but there seems to be no cumulated list of such publications.

[2] In an address before the joint meeting of the American Association of Law Libraries and National Association of State Libraries, Mr. Frederick C. Hicks, Law Librarian of Columbia University, gave an account of the methods of the bureau in preparing the annual summaries and stated that the work ceased with the issue of 1920. The legislation of 1921 will be reviewed in the form of Notes in the department of "Current Legislation" of the American Bar Association Journal.

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In the weekly issues and annual cumulations of Public Affairs Information Service are to be found references to current legislation and related bibliographical data of much value. This service has also issued partial indexes to the legislation of the years 1917, 1920 and 1921, which were prepared coöperatively by the several legislative reference bureaus.

Such publications as the American Labor Legislation Review, National Tax Association Bulletins and Proceedings, American Bankers' Association Proceedings and Journal, and the Proceedings of the uniform state law commissioners, are aids not only to the finding of the actual laws, but frequently contain much comment both critical and constructive.

Various departments of the United States government annually reprint the laws of all the states on certain subjects, as for example the labor laws, with well worked out and uniform indexes to the various topics connected with labor problems. The workmen's compensation laws, mining laws, public health laws and the like have been similarly reprinted.

Commercial associations are issuing compilations of corporation laws, insurance laws, income tax laws and others, and the American Bankers' Association has a committee at work on a compilation of all the banking laws of the several states.

Leading law periodicals are introducing as permanent departments, "Notes on Legislation of Current Interest." The American Political Science Review, particularly has made large contributions through its "Legislative Notes and Reviews."

For a few years, the National Legislative Reference Service was available through the endeavors of a joint committee of the American Association of Law Libraries and the National Association of State Libraries, coöperating with the Law Reporting Company of New York City. Much material was issued in the form of cards and check lists, and one volume appeared covering the year 1915. The large expense involved in this most comprehensive undertaking has made its continuance for the present at least, impracticable.

The *Loose Leaf Index to Legislation* begun in the bureau of government of the University of Michigan, but now independent of that organization, was undertaken to make available the lists of citations to laws on the many subjects about which inquiry had been made of the bureau. Printed in two forms, loose-leaf and cards, the citations may be filed alphabetically as a subject index and capable of indefinite

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expansion and revision. Manuscript citations have been prepared from 1915 to 1921, and the sheets and cards are in process of printing. Announcements of the subjects as issued in printed form are made through Public Affairs Information Service and manuscript citations are available to subscribers to the *Loose Leaf Index*.

From this glance over the field, it is quite apparent that while much has been accomplished, much more remains to be done. It is also undoubtedly true that much has been done of which little is known for the reason that it is only locally available, as for example the most painstaking and elaborate card catalogue compiled under the supervision of Dean John Condon of the Law School of the University of Washington. This catalogue made up of thousands of references to the laws of the states of the northwest is unique, and is used constantly by investigators in that section of the country to whom it is freely accessible.

It is hoped that omissions made by the writer will be freely supplied by all who have knowledge of them so that eventually some complete statement may be made of aids to legislative research.

GERTRUDE ELSTNER WOODARD.

Ann Arbor, Mich.

Budgetary Legislation in 1922. In view of the fact that so few legislatures were in session during 1922 there is a surprising amount of important budgetary legislation to be considered, Georgia is added to the list of states having some sort of system. Virginia, Massachusetts, Arizona and New York have made changes in administrative detail. California has adopted a constitutional provision for an executive budget. County and town governments in Mississippi have been improved by the establishment of a budget procedure for boards of supervisors and aldermen.

The new budget established in Georgia is of the commission type. The commission consists of the governor, as chairman, the comptroller general, the chairmen of the legislative finance committees and the attorney general. The budget is compiled from statements submitted by all officers, departments and institutions, which contain, in addition to request, an itemized financial report of the preceding year and a statement of appropriations for the three preceding years. When submitted the budget is advisory only and not binding in any particular.

The commission is called the state investigating and budget commission. As the name indicates it has another duty, that of investiga-

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tion, which is the power to employ an auditor to examine a department when, from information acquired in the compilation of the budget, it seems necessary. This power too is only advisory, for the actual investigation is dependent on a special appropriation from the legislature.

California, for several years, has been working under an unofficial budget established by Governor Johnson and continued by Governor Stephens. It is an extra legal procedure administered by the state board of control and the state controller with no fixed responsibility. While better than nothing it has not been satisfactory and is entirely dependent on the policy of the governor. For these reasons the Commonwealth Club of California drafted an amendment to the constitution providing for the establishment of an executive budget based, in their judgment, upon the best experience of the country. The proposition was submitted November 7 and carried by a substantial majority. The essential feature is the fixing of responsibility on the governor. He is to prepare a budget containing a complete plan and itemized statement of proposed expenditures with the estimated revenues and he is further required to recommend new sources of revenue if his budget exceeds the estimated income. After the bill is passed he may reduce or eliminate any item while approving the whole, subject to the regular procedure in regard to veto. The budget submitted during the first thirty days is to be accompanied by a budget bill which must be acted upon before any money bills except those for legislative expenses and emergencies approved by the governor. No other appropriation bill may cover more than one item. Except those for current expenses all items are subject to referendum.

Massachusetts has consolidated financial agencies under a commission on administration and finance consisting of four members appointed by the governor for four years. Three bureaus are provided; a comptroller's bureau, a purchasing bureau and a budget bureau. To the comptroller's bureau is transferred functions of the state auditor and treasurer relating to the auditing of accounts; on it is also imposed the task of designing and installing a new system of accounting for all state offices; and expenditures of state moneys are checked against appropriations and approved. The purchasing of all supplies except legislative and military supplies is transferred to the purchasing bureau. The budget bureau receives unchanged the functions in regard to the budget from the supervisor of administration whose office is abolished. A new item to be included in the budget requests of the various depart-

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ments is a statement containing a forecast of probable needs of the department for building purposes for a number of years. These requests are to be divided into necessary, desirable and contingent, that is dependent on developments which cannot be determined. The department does not commit itself in making these requests but the state is enabled by them to develop a building program. A division of personnel and standardization carries on the work of supervisor of administration in relation to the coördination of the administrative work of state departments, the standardization and classification of salaries, and state printing. Although a referendum petition was filed against the law, sufficient signatures to stay its operation were not obtained so that it became effective in September.

In the second year of operation of the board of estimate and control, the budget making body of New York, a new method of procedure in compiling the budget is being tried out. Expert accountants have been employed to confer with the heads of each government department and chiefs of divisions on each item of their desired appropriations, and on the report of these conferences the board will base its recommendations. It is hoped to obtain, by this method, a broader and more sympathetic view of department needs. In connection with this a beginning has been made on a classification of positions in the state service. The law in New York has been amended only by making the revision of requests by the state board of estimate and control, and the filing with the legislature of a detailed budget premissive and not compulsory.

The governor of Virginia continues to be the chief budget officer. He is enabled by a 1922 amendment to appoint for four years a director of budget at a salary of $4500, as well as special assistants. The provision of the 1920 appropriation bill making it neglect of official duty to approve expenditures in excess of the amount appropriated, is contained also in the 1922 appropriation bill, and in addition the governor is given power to approve such expenditure in emergencies. A new provision contained in the bill allows the governor to restrain the state auditor from making disbursements to any department which is found to be using its funds for a purpose other than for which the appropriation was made, unless such use has been approved by the governor.

A law for the supervision, administration, care and protection of finances, known as the state financial code, became effective in Arizona in July. Its purpose is to remove the ambiguity and uncertainty of

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the existing laws. To do this one general fund has been established to which all moneys of the state belong except certain specified special funds. Investment of the principal of permanent funds is limited to government bonds and first mortgages on Arizona lands under cultivation. From the general fund all appropriations are made, thereby abolishing the continuing appropriations which were unlimited as to number and amount. Expenditures may be made for six purposes: salaries and wages, travel, operation, capital investment, replacements and repairs, and contingencies. This classification must appear in each appropriation account and money available must be used only for the purpose for which it is intended. To guard against deficiencies only a fourth of unexpended balances is available for salaries, operations and travel each quarter, unless the excess is approved by the governor and the auditor.

Mississippi is the only state to provide for local budgets during the year. The governing boards of counties and towns are required to compile and publish annual budgets of proposed expenditures and of revenues. A board is required to keep within its budget "always seeking to lessen expenditures instead of exceeding revenues and budget estimates." Citizens are given access to the books kept by the clerk with headings corresponding to budget headings and may petition for a referendum on any item of proposed expenditure.

RUTH MONTGOMERY.

New York State Library.

Bonus Legislation and the Referendum in Maryland. The general assembly of Maryland at its regular biennial session during the winter of 1922, passed an act for the recognition of the services rendered by Maryland soldiers in the World War. It provided for a bonus of ten dollars per month of active service between the dates of March 26, 1917 and November 11, 1918, provided such service was not of less than ninety days' duration. As an alternative, for those veterans who might wish to go on with their education, stipends greatly in excess of the regular bonus were provided. The act applied to all officers, enlisted men, field clerks, and army and navy nurses, who had resided in Maryland for a period of at least six months immediately prior to their entry into the service. In cases of death, dependents and heirs were to have been entitled to receive the benefits under the act.

Certain classes of ex-service men were regarded as not entitled to the bonus. In this class were those whose period of service was very

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short or whose sacrifice may be regarded as having been negligible, to wit: persons whose length of service was of less than ninety days' duration; any one who was discharged from service or relieved from active duty and not recalled to the colors prior to January 15, 1918; those who, though having been inducted into the service, were assigned to civilian work and were drawing civilian pay; nor would any one have been entitled to compensation for time spent in taking training in student army training corps units. In addition, the following classes were explicitely denied the right to the bonus: (1) persons dishonorably discharged from the service, (2) persons who sought exemption from the service either on account of conscientious objections or on account of alienage, and (3) any one guilty of fraud or willful violation or evasion of the selective service act. Notwithstanding the above disqualifications, however, the act provided that in all cases of discharge on account of physical disability received in line of duty—as well as death, likewise in line of duty—the former soldier or his heirs or dependents should be entitled to the full amount of bonus at ten dollars per month of service rendered up to November 11, 1918.

Special recognition was provided for service in actual combat as shown by the applicants' certificates of discharge. In all such cases the applicant would have been entitled to an addition of twenty-five per cent whether on the basis of the regular bonus or the educational stipend. For those former soldiers who would be entitled to the regular bonus, but who might wish "to continue their education," a stipend was provided instead. The amount of the stipend provided was thirty dollars per month for a maximum of thirty-six months.

To meet the cost of the contemplated legislation, a bond issue of nine million dollars was authorized. The bonds were to have been issued in series to mature during the years 1926 to 1938 inclusive, in amounts varying from $522,000 the first year up to $882,000 in 1938. Finally, the act provided that it should not go into effect unless sustained by a majority voting on the proposition at a referendum to be held at the regular November election, 1922.

The constitutionality of the act was promptly attacked in the test case of Brawner v. Supervisors of Elections, tried before Judge Stein in the Baltimore city court. Plaintiff sued for a writ of mandamus restraining the board of election supervisors of Baltimore city from placing the proposition on the ballot. He alleged that it violated the constitution of Maryland in various respects: that it was an attempt to loan the credit of the state to individuals, that it established a general

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pension system, that the title of the act was insufficient and misleading, that it authorized the taking of private property without compensation and for private use, and that the referendum provision was a delegation of legislative power. It was further alleged that the act violated the Constitution of the United States in the following respects: in that it denied the plaintiff the "protection of equal laws," that it deprived him of property without due process of law, and that it violated the obligation of contract,—it was argued that the constitution of Maryland is a contract between the state and the citizen.

Judge Stein brushed aside, as worthy of but scant consideration all the alleged points of conflict with the constitution of Maryland and the United States except the question of delegation of legislative power. He found that the court of appeals in Maryland has on many occasions expressed the general opinion that "the legislature cannot surrender its power to the people." It has, however, recognized that there are exceptions to the general rule, notably in local option cases and in cases of purely local concern. But the precise question involved in Brawner v. Supervisors of Elections had never been decided in Maryland.

After a brief survey of the decisions of the courts in other states and in Maryland on the question of delegation of legislative power, he concluded that the question is beclouded by doubt and many conflicting decisions. While, perhaps, the numerical weight of opinion is against the power to submit the question to a popular referendum, many of the most eminent authorities favor it. He quoted Judge Cooley (*Constitutional Limitations* p. 120) as follows: "If it is not unconstitutional to delegate to a single locality to decide whether it will be governed by a particular charter, must it not quite as clearly be within the power of the legislature to refer to the people at large from whom their power is derived, the decision upon any proposed statute affecting the whole state. Can that be called a delegation of power which consists only in the agent or trustee referring back to the principal the final decision in a case where the principal is the party concerned?"

While the judge in the early part of his opinion admitted that the case was doubtful—in fact one in which the pros and cons are "as nearly balanced as can be any difficult constitutional question which depends not only upon legal principles but upon questions involving the theory of government"—nevertheless, he concluded strongly for the state. He held that the act did not constitute a delegation of legislative power but merely provided that its operation should be subject to a contingency (popular approval) upon the happening of which it would become law.

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The case was taken to the court of appeals where the decision of the lower court was reversed. The opinion of the court was written by Judge Offutt. Keen appreciation of the services of the veterans of the World War was expressed. The court was "reluctantly forced to the conclusion" that the bonus act was void.

In the opinion of the court of appeals, as well as in that of Judge Stein, the one important issue involved in the case was the power of the general assembly to submit a state-wide act to a popular referendum. The court held that originally this power was political rather than judicial in nature. Now, however, since it has been passed upon so often by the appellate courts of the various states, it has become by virtue of the rule of *stare decisis* essentially a legal question. It is inferentially admitted that the distinction between the power to delegate local and state-wide laws is arbitrary and illogical. But it is maintained by the court, on the other hand, that the question of the power to submit local laws is no longer open "but has been finally settled by repeated decisions of this court and by the preponderance of authority elsewhere so great that we are constrained to accept it in connection with our own decisions as conclusive of the question."

On the question of the power to submit state-wide measures to a popular vote the court did not seem to think that opinion is nearly so evenly balanced as Judge Stein had intimated. They quote Oberholzer (*The Referendum in America*, p. 208) together with the authorities cited by him as well as Justice Ruggles in Barto v. Himrod (4 Seld. 483) in support of the general proposition that the people of a state having delegated to their legislature the power of making their laws, that body can not legally or validly redelegate the power and authority to the people themselves.

The people of the state of Maryland have prescribed in their constitution the manner or agencies through which the laws of this state are to be enacted, to wit: the two houses of the legislature with the assent of the governor, or, in the event of the dissent of the governor, a prescribed method by which measures may be passed despite his disapproval. "But in the act under consideration the legislature has added a new qualification, or condition, to the passage of legislation in addition to and entirely dehors anything in the constitution. That is, it provides that although the act under consideration has passed both houses and has been signed by the governor, it shall not become a law unless a majority of the qualified voters of the state approve it. The effect of that provision is not in any way to amend the constitution, but

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to violate it. It takes away all real responsibility for the legislation from the legislature and the governor, where it is placed by the constitution, and places it upon an anonymous 'majority of the qualified voters.'"

The contention that the act was complete when signed by the governor and that the referendum was merely a contingency upon the happening of which the act was to take effect, is disposed of almost summarily as a "fiction" or a "device" by means of which to evade responsibility. The act by its own terms was not to become law unless sustained by a majority of those voting thereon. "The people are given expressly the power of determining whether the act shall or shall not be a law. If that is not legislative power, what is it?"

NIELS H. DEBEL.

Goucher College.

The Presidential Ballot. The form of the presidential ballot has been undergoing a decided transformation in recent years. The goal of this development has been to bring the ballot and its demands on the voter and taxpayer into harmony with the actual political facts, as compared with the mere legal formalities of the presidential election. Legally, the voters simply vote for and elect presidential electors, who later elect the president and vice-president according to their own judgment and discretion. Politically, the voters really elect the president and vice-president, for political usage has taken from the electors all exercise of independent judgment and reduced them to human push buttons who automatically register the popular will. Voters rarely or never think, or speak of themselves as voting for electors, or scarcely for vice-president, but, practically always, for this or that candidate for president.

The presidential ballot has been slow in reflecting this revolution in the nature of the presidential election. For long years its form was, and in most states still is, unduly dominated by the strictly legal theory of the election and function of the presidential electors. This is evidenced by the trouble-making requirement that electors be voted for individually, by the utterly irrational instructions to voters as to how to vote a split electoral ticket, and by the useless and expensive retention on the ballot of the names of candidates for presidential electors.

The ballot is only an instrument or agency by which the voter seeks to express his will. The cardinal test of any form of ballot is not its size or cost, important as they are, but whether it promotes or insures,

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rather than impedes or defeats, an independent and accurate registry of the intention of the voter. Therefore, the vital element in the form of the presidential ballot is the method prescribed for voting for electors,—whether or not it conforms as far as possible to the actual political facts and the general popular understanding of the presidential election.

Judged by this standard, five main types of presidential ballot were in use in the last election: The first type makes no provision for voting for electors as a group. Each elector must be voted for individually by a separate cross mark opposite his name.[1] Ten states used this form of ballot.[2] In all of these except Florida the candidates of each party for electors were grouped together. On the Arkansas ballot the names of the nineteen[3] electoral candidates were printed solidly in a single column with no dividing lines but with an abbreviated party name after that of each candidate. The other eight states marked off the groups by clear dividing lines and party designations. But in Florida the twenty-nine[4] electoral candidates of five different parties were printed on the ballot in a single column, alphabetically arranged regardless of party, with no dividing lines and no party designations whatever.

This looks like a deliberate scheme to confuse the voter, and make the ballot an instrument for defeating instead of registering his will. This type of ballot at its best is highly undesirable, the more so the larger the number of electors to be chosen. It opens the door to unintentional errors in voting which are the main cause of the splitting of the electoral vote of a state contrary to the real desire of the voters.[5]

The second type permits voting for the electors as a group, but only by voting a straight party ticket, national, state, and local, except in South Carolina.[6] If the voter wishes to split his ticket he must vote for the electors individually with the attendant extra labor and

[1] In Arkansas the voter votes negatively by marking out the names of the candidates he does not favor.

[2] Arkansas, Colorado, Florida, Mississippi, Montana, Nevada, New Jersey, Oregon, Tennessee, Wyoming.

[3] Nine Democrats, nine Republicans, one Socialist.

[4] One was the candidate of two parties.

[5] Of the last eleven elections only four have been free from divided electoral votes, of which there were eleven in all in seven different states, not counting the Michigan division of 1892 due to choosing electors by districts.

[6] South Carolina has a separate national ballot for electors, senators and congressmen.

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risk of error. This form of ballot is in use in nineteen states.[7] It solves the problem for the straight party ticket voter but not for the independent voter. Moreover, it tends to induce straight voting by many who dislike the extra labor, or fear they lack the understanding, required to cast a split ticket that accurately expresses their will.

A third type makes provision for voting for the electors as a group by one mark without having to vote a straight ticket, but also provides for voting for electors individually. Ten states[8] now have this form of ballot. New Jersey changed to this form in 1921.[9] The Pennsylvania ballot, unlike the other nine, also provides for voting for electors by voting a straight party ticket, thus affording three ways of casting an electoral vote. Six of these states join this group by providing for separate presidential ballots.[10] This style of ballot is a decided step in advance of type two but is vitiated by the provision for voting for electors individually.[11]

The fourth type provides that electors are to be voted for as a group only, and no opportunity is offered to vote for them individually. There are two forms of this type of ballot, each in use in four states. In Arizona, New Hampshire, North Dakota and Rhode Island, which have the party column form of ballot, with party circle or square, the voter may vote for the electors as a group in two ways, either by a single mark in the party circle or square, if he wish to vote a straight ticket, or by a mark in the square applying to the electors only, if he prefers to vote a split ticket. In Kansas, Massachusetts, Minnesota, and Virginia, which have the office group form of ballot with no party column or party circle, the voter votes for the electoral candidates of a party, in only one way, namely, a mark in a square applying to the entire group.[12]

[7] Alabama, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Michigan, Missouri, New Mexico, Oklahoma, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia.

[8] California, Maine, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Vermont, Wisconsin.

[9] *Laws*, 1921, ch. 81, p. 74.

[10] Maine, New York, North Carolina, Ohio, Vermont, Wisconsin. In Maine due primarily, no doubt, to the practice of choosing all other national and state officers in September.

[11] Note the divided electoral vote in states having this type. California in 1880, 1892, 1896 and 1912; in Maryland in 1904 and 1908; in Ohio in 1892.

[12] In Virginia each group of electors is topped by the names of the party candidates for president and vice-president, and the voter votes negatively for a group of electors by scratching the names of the presidential and vice-presidential candidates he does not favor.

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These four types of presidential ballot so far presented include those in use in forty-six of the states. All have printed on them the names of the electoral candidates, accompanied by the names of the corresponding party candidates for both president and vice-president in twenty-three states,[13] and for president alone in three.[14] The presidential ticket is accorded the place of honor and advantage at the head of the ballot with only two or three exceptions[15] All the ballots but those of twelve states give the voter an opportunity to express a personal choice for electoral candidates not on the ballot.[16] Several states are guilty of the absurdity of carefully instructing the voter how to mark his ballot so as to split his presidential vote.[17]

The fourth type, particularly as found in Minnesota, represents the best presidential ballot attainable if the names of candidates for electors are to be retained. It does away with the absurd legalism of presenting an opportunity to vote for electors individually, and of instructing a voter how to split his presidential vote. This is vitally important even in states having the minimum of electors, as shown by the experience of North Dakota and Oregon in 1892.[18] Moreover this form eliminates very largely the labor, expense and liability of error involved in counting, recording, and canvassing the votes for individual electors, especially where there are many of them. Lastly, it makes possible a decided reduction in the size of the presidential ballot, while adding to the convenience of the voter, and making simpler and clearer the casting of a presidential vote that accurately registers his will.

The Minnesota form provides for printing the names of the candidates of each party for electors in small type and parallel columns, enclosed

[13] Colorado, Georgia, Illinois, Kansas, Louisiana, Maine, Maryland, Massachusetts, Missouri, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin.

[14] Arizona, Minnesota, North Dakota.

[15] In Alabama and Oklahoma the names of the electoral candidates come after those of congressional and state officers. There is doubt regarding Mississippi and Tennessee.

[16] Colorado, Delaware, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska Ohio, Virginia, Washington, West Virginia.

[17] Notably Maine, New York, Vermont, and Wisconsin despite their having separate presidential ballots. However such instructions logically accompany an opportunity to vote for individual electors.

[18] North Dakota's three electoral votes were divided among three candidates, while Oregon gave three of her four to one candidate and one to another.

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in a box or brackets, at the right and center of which is printed the name of the party, and in larger type the surname of its candidate for president. Immediately at the right of the name of the party and its candidate is a square for voting for president and, in the eye of the law, the accompanying group of electoral candidates. This ballot is superior to those of the other states having this type, mainly by reason of the smaller space on the ballot required for the presidential ticket; first, on account of the arrangement and the size of type used; second, because no space is wasted on the formality of giving the voter an opportunity to vote a personal choice for candidates not on the ballot. This practice is both politically and legally useless and unnecessary in the case of the presidential ballot. Hence, Minnesota discards it there, while retaining it for the rest of the ballot. There can be no question that the national constitution gives the state legislatures this power despite any provisions of the state constitutions.

The fifth and latest type of the presidential ballot is found only in Iowa and Nebraska, and was used for the first time in the last election. It improves upon the fourth type by entirely eliminating from the ballot the names of the candidates for electors. The names of the candidates of each party for president and vice-president are printed on the ballot enclosed in a bracket with a square or circle at the left.

In Nebraska, candidates for presidential electors are nominated by the respective party state conventions and certified to the governor by their officers. In Iowa, they are nominated by the direct primary and the result canvassed and certified to the secretary of state the same as for other offices. The electors are voted for indirectly by voting for the party candidates for president and vice-president. This may be done either by voting a straight ticket, national, state and local, by means of the party circle, or by voting a split ticket.[19]

The Nebraska law provides that "the Governor shall appoint as electors of President and Vice-President, those persons selected in the preceding delegate state convention by the political party whose candidates for President and Vice-President received the highest number of votes at the general election."[20] The Iowa law makes no pro-

[19] Iowa has the party column party circle ballot; Nebraska, the modified office group ballot, with candidates grouped under offices, but with the addition of a party circle for voting a straight ticket.

[20] Laws of Nebraska 1917, ch. 33, Sec. 1.

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vision for appointment by the governor or any other officer.[21] It provides as follows: "Each elector of each congressional district and each elector at large nominated by any party or group of petitioners shall receive the combined vote of the electors of the state for the candidates for president and vice-president of such party or group of petitioners, and a vote cast for the candidates for president and vice-president of the United States shall be the votes of the voter for the electors of the respective party or group of petitioners. The canvass of the votes for candidates for president and vice-president of the United States and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party or group of petitioners respectively, and the certificate of such election made by the governor shall be in accord with such return."[22]

Thus, in Nebraska the vote for president and vice-president serves merely as a mandatory instruction to the governor as to whom he shall legally appoint after the canvass; while in Iowa it is made a legal vote for each of a corresponding group of electors, the result of which determines finally which candidates are elected. This difference is vital, as will be seen later, and marks the decided superiority of the Iowa over the Nebraska law.

The Nebraska and Iowa ballots excel that of Minnesota, for example, only by reason of the entire removal of candidates for elector. This step will make little difference in the expense, or the convenience of the voter, in states having but few electoral votes. But in other states having many electoral votes and huge unwieldy ballots, it will not only add to the convenience of the voter but it will save thousands of dollars now spent for paper, printing, handling, and storing, by greatly reducing the size of ballots, and by doing away with the need for separate presidential ballots in all states except those holding a separate presidential election. Another advantage of interest to every state, regardless of the number of its electoral votes, is that the removal of the electoral candidates lessens the chance of a split in its electoral vote by reason of the resignation or death of a candidate for elector too late to change the ballot or to inform the voters.[23] In Nebraska or Iowa such a vacancy could be filled at any time prior to the day of election.

[21] Cf. Sikes: "A step toward the Short Ballot" in *National Municipal Review*, September 1922, pp. 260–262, where the writer makes the serious error of stating repeatedly that Iowa provides for the appointment of electors by the governor.

[22] Laws of Iowa General Assembly, 1919, ch. 86, Sec. 6.

[23] The divided vote of West Virginia in 1916 was caused by such a resignation.

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In 1921 the legislature of Illinois passed a bill modeled after the Nebraska law but more fully elaborated.[24] An attempt was made to dispel any doubt as to the constitutionality of the choice of electors by a provision, not found in the Nebraska statute, to the effect that "placing a cross within the square before the bracket enclosing the names of President and Vice-president . . . . shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party or group [and] so certified to the Secretary of State." But like the Nebraska act the bill also provided that, "the Governor shall appoint as electors of this State, that list or set of electors, whose party or group by its voters . . . . cast the highest vote for President and Vice-president," thus vesting the legal choice in the governor and reducing the presidential vote to a mandatory instruction. The governor vetoed the bill on the ground of doubtful constitutionality, and the consequent danger of the state with the third largest vote being deprived of representation in the electoral college.[25]

To some "the reasons assigned for the veto seem trivial and unsound."[26] But there is a strong probability, if not certainty, that both the bill and the Nebraska law are in conflict with the national Constitution, or, at least, a valid act of Congress. There is no doubt that the national Constitution gives each state legislature full power to determine the manner of choosing presidential electors,[27] subject only to the right of Congress to fix the time of the choice,[28] and to the limitations on the power of the states to regulate the suffrage.[29] Congress has provided that the electors "shall be appointed in each state on the Tuesday next after the first Monday in November.[30] Hence, according to the federal Constitution and statutes, the legal choice of electors must be made on that day. Under the Illinois bill and the Nebraska statute, is the legal appointment of electors made by the voters on election day, or by the governor at a later time?[31]

[24] House bill No. 50.
[25] Governor's veto messages, 1921, p. 6.
[26] Sikes, *op. cit.* p. 262.
[27] U. S. Constitution Art. II, sec. 1, Sub-sec. 2.
[28] *Ibid.*, Sub-sec. 4.
[29] *Ibid.*, Arts. XV and XIX.
[30] U. S. Compiled Statutes, Title III, sec. 199.
[31] In 1920 the presidential election fell on November 2, and the Nebraska electors were appointed by the governor on November 27.

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The stronger probability is that the technical legal appointment is made by the governor on a later day, and consequently would be held unconstitutional by the courts. Therefore, in providing for the choice of electors without having the names of the candidates on the ballot, the states should study and copy, not the Nebraska, but the Iowa law, which carefully and ingeniously provides for the legal choice of the electors by the voters on the day fixed by act of Congress.

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University of Nebraska.

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NEWS AND NOTES

Personal and Miscellaneous

EDITED BY FREDERIC A. OGG

University of Wisconsin

Professor John A. Fairlie, of the University of Illinois, is on leave of absence during the second semester, and will spend the spring and summer in Europe. Dr. C. A. Berdahl of the University of Illinois will serve as acting managing editor of the Review during his absence.

Professor Frederic A. Ogg is on leave from the University of Wisconsin, and will be abroad from April to September.

Dr. L. S. Rowe, director general of the Pan American Union, will attend the Fifth International Conference of American States, to be held at Santiago, Chile, beginning in March.

Professor Raymond G. Gettell, of Amherst College, has been appointed professor of political science at the University of California. He will give courses in political theory and American government.

Mr. Mayo Fesler, formerly secretary of the Brooklyn Chamber of Commerce, has become the executive secretary of the Chicago City Club. He was in Brooklyn four years, and prior to that was secretary of the Civic League of Cleveland for eight years.

Professor E. C. Branson, of the University of North Carolina, will go abroad in March and will remain a year. He expects to study the political and social institutions of Denmark and Holland.

Professor William Starr Myers, of Princeton University, has been granted leave of absence for the second term of the present year.

Mr. Arthur Norton Cook has been appointed instructor in history and politics in Princeton University.

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Professor H. G. James, of the University of Texas, has enlarged his plans for research in Brazil, and will remain in that country throughout the current academic year.

At the request of the Illinois League of Women Voters, the University of Chicago and Northwestern University will each conduct a brief school of citizenship for women voters during the spring.

Professor Robert T. Crane, of the University of Michigan, is conducting a course in international law at the University of Chicago during the winter quarter.

The department of political science at the University of Kansas has again secured the services of Mr. Karl T. Finn, of Ohio State University, as an instructor. Professor Herman B. Chubb is acting chairman of the department.

Mr. John G. Stutz, secretary of the Kansas Municipal Reference Bureau, has been elected executive secretary of the City Manager's Association.

Professor Frank E. Horack was on leave of absence from the State University of Iowa during the first semester of the current year. He was engaged in researches that will lead to the introduction of a course in the department of political science dealing with school laws and school government. This course will be intended primarily for advanced students in education who are minoring in political science. Mr. George F. Robeson, of Des Moines, Iowa, substituted for Professor Horack during the latter's absence.

The members of the staff of the department of political science at the State University of Iowa, and others, are engaged in researches and the preparation of monographs on county government and administration in Iowa. These monographs will be published as Volume IV of *Applied History* by the State Historical Society of Iowa.

Mr. Jesse T. Carpenter, of Trinity College, Durham, North Carolina, holds a scholarship in the department of political science of the State University of Iowa. Mr. Jay J. Sherman, of Storm Lake, Iowa, has been appointed as a graduate assistant in the department, and Mr. Jacob Van Ek, graduate student, as an instructor.

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Mr. William A. Jackson, of Baylor University, is on leave of absence from that institution and holds a fellowship in the department of political science at the State University of Iowa.

Professor E. T. Williams, Agassiz professor of oriental languages at the University of California, Berkeley, gave a course on Far Eastern relations in the department of political science, Southern Branch of the University of California, Los Angeles, during the first semester of the year 1922–23. Dr. Williams is completing a book on Eastern civilizations. He was adviser to the American delegation at the Versailles and Washington conferences.

Mr. C. A. Dykstra, secretary of the Los Angeles City Club, and formerly professor of political science at the University of Kansas, has been appointed lecturer in political science at the University of California, Southern Branch, and is giving courses in American, state and municipal government and political parties.

Dr. William H. George has been appointed instructor in politics at the Southern Branch of the University of California. He gives courses in political theory and has charge of sections in the course in comparative government.

Mr. Francis M. McComb, of the Yale Law School, is giving courses in the jurisprudence section of the political science department, University of California, Southern Branch.

Dr. Joseph E. Lockey, formerly professor of international relations at Peabody Teachers' College, is now with the Southern Branch of the University of California, giving courses in Latin American history, governments, and political institutions.

Dr. Charles E. Martin, chairman of the political science department at the University of California, Southern Branch, returned in October from a trip to Europe, where he made a study of political and diplomatic situations in England and on the continent. Dr. Martin has completed a revision of a volume entitled *Governments of the World Today*, published in the series of the American College Society.

Professor Edwin A. Cottrell, of Stanford University, has been engaged by the California Development Association as director of its

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research and information department. Under his direction a survey will immediately be made of California's agricultural, industrial, and financial resources.

At a meeting held at Berkeley in October, at the invitation of the University of California, the California Academy of Social Sciences was organized. Its purpose is to provide an agency for the impartial investigation of public problems and a forum for their free discussion. The officers of the new organization are: president, Professor Victor J. West, Stanford University; vice-presidents, Hon. William Denman, San Francisco, and Professor Rockwell D. Hunt, University of Southern California; secretary-treasurer, Professor Marion R. Kirkwood, Stanford University.

Colonel Edwin Landon, U. S. A. retired, has been appointed lecturer at the University of California on the military policy of the United States in its relation to American foreign relations. During most of the war period Colonel Landon was detailed as an observer in the Far East. Mr. Roland Riggs has also been appointed lecturer, and will give a course on the conduct of American foreign relations and a seminar in American treaties. Mr. Riggs was a lieutenant commander in the American Navy and was special naval attaché at Rome during the war. Since the war he has been studying in Europe.

Professor Frank G. Bates, of Indiana University, has been made executive secretary of the Indiana Municipal League, and headquarters of the organization have been established at Bloomington.

The Virginia state legislature, at its 1922 session, created a commission on the simplification of state government, with a view to a survey of state and local government and a report, with recommendation, to the legislature of 1924. Professor R. H. Tucker, of Washington and Lee University, has been made a member of the body.

The growing need of a special source of comprehensive information on industrial relationships has led Princeton University to create an industrial relations section of the department of economics and social institutions. The funds immediately necessary to this undertaking, namely $12,000 a year for five years, have been provided by Mr. John D. Rockefeller, Jr. The section will seek to bring together a very

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complete library on industrial relations, the nucleus of which will consist of publications describing, illustrating, or otherwise growing out of the relations of employers and employees, and especially that proceeding from the participants in industry themselves. More specifically it will include the publications of labor organizations, of industrial and railroad organizations, and of organizations representing one or another of these interests or the public interest. Dr. Robert F. Foerster, formerly of Harvard University, has been appointed professor of economics and director of the industrial relations section. While it is expected that he will ultimately give some instruction on matters connected with the section, he will devote his time during the current year to building up the library and to making contacts in the field designed to enlarge his own understanding of existing relationships and to supplement the collections in the library. Digests or other publications will in time be issued. The library itself, it is hoped, will prove useful in promoting the sober and dispassionate study of industrial relations. Its resources will be available to responsible students everywhere, who may wish to consult it by correspondence or personal visits, and, not least, to representatives of employing and labor interests.

Activities of the Colorado Electorate—In an attempt to determine how far the experience of Colorado might illustrate the need of applying the principles of the short ballot, the writer has made a study of the abstracts of votes cast at elections in the state from 1910 to 1920 inclusive. The study included the votes cast in the state at large, those in all districts larger than counties, and those in Boulder and Las Animas counties. The answers to two questions were sought: What proportion of the eligible voting population of the state is usually interested in the elections? And, how intelligent are the voters at the polls?

The eligible voting population has been estimated from the United States Census figures, for the number of registered voters was not available. This estimate was made by excluding from the total of the population all persons under twenty-one years of age and all persons who were foreign born, no account being taken of those persons of foreign birth who were eligible because of naturalization nor of those persons who were ineligible because of minor disqualifications.

It was found that of the estimated numbers of the eligible voters of the state, from 71 per cent to 77 per cent appeared at the polls in presidential elections, and from 55 per cent to 72 per cent in the interven-

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ing elections. Moreover, in the direct primary elections only about 30 per cent of the electorate takes part, notwithstanding the obvious fact that if the primary is to function efficiently the primary election must be participated in by at least as many persons as vote at the general election. It is, moreover, in the primary election that precinct

TABLE I—AVERAGES OF VOTES CAST IN COLORADO ELECTIONS, 1910 TO 1920 INCLUSIVE

ORDER ON BALLOT	OFFICE FILLED	POPULARITY RANK			PRIMARY ELECTIONS		GENERAL ELECTIONS	
		General rank	District offices	State at large	Votes cast	Per cent of highest vote cast	Votes cast	Per cent of highest vote cast
1	Presidential Electors	1		1			286,616	100.0
2	Senator (U. S.)	4		3	101,732	93.1	251,872	87.5
3	Representative in Congress	11	2		96,751	88.5	246,245	85.9
4	Justice of Supreme Court	13		10	101,039	92.4	240,277	83.8
5	Governor	3		2	109,321	100.0	260,085	90.8
6	Lieutenant Governor	5		4	93,747	85.7	249,314	86.9
7	Secretary of State	6		5	91,119	83.4	249,286	86.9
8	Auditor of State	9		8	92,815	84.9	247,868	86.5
9	State Treasurer	7		6	92,994	85.1	248,582	86.7
10	Attorney General	10		9	79,848	73.0	247,188	86.2
11	Superintendent of Public Instruction	8		7	91,806	83.1	248,252	86.7
12	Regents of the University of Colorado	14		11	62,134	56.8	227,511	79.3
13	District Judges	15	4		86,029	78.7	220,036	76.7
14	District Attorneys	2	1		94,637	86.5	265,799	92.7
15	State Senator	16	5		67,628	61.8	181,463	63.3
16	State Representative	12	3		85,510	78.2	243,999	85.1
17-28	Inclusive, County offices							
29	Initiated and referred measures:							
	Enactments						141,384	49.3
	Amendments						137,274	47.9

committee members are elected. These committee members, who serve in the party assemblies, are so little considered by the voter that never do more than 12 per cent of the eligible voters participate in their election. In 1918 only $4\frac{1}{2}$ per cent of these voters in Boulder county participated in the election of all the committee-members in the county.

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In the ten-year average of the votes cast in the general election in the state at large there was no great difference among the offices to be filled, save that presidential electors had a good lead (except in 1920, when the votes cast for governor exceeded those for presidential electors) with an average of 286,616 votes. The office of governor was next, receiving 260,085 votes, followed in order by United States senator, lieutenant governor, secretary of state, state treasurer, superintendent of public instruction, auditor of state, attorney general, justices of the

TABLE II—AVERAGE OF VOTES CAST IN ELECTIONS IN TWO COLORADO COUNTIES, 1910 TO 1920 INCLUSIVE

ORDER ON BALLOT	BOULDER COUNTY		POPULARITY RANK	OFFICE	POPULARITY RANK	LAS ANIMAS COUNTY	
	Primary Elections	General Elections				General Elections	Primary Elections
				County offices			
17	3,888	10,837	1	Judge	2	8,925	4,337
18	3,220	9,959	5	Clerk	1	9,656	4,027
19	3,605	10,043	2	Sheriff	3	8,605	4,125
20	3,402	9,986	3	Treasurer	5	8,535	3,655
21	3,201	9,975	4	Assessor	6	8,462	3,671
22	2,819	9,789	6	Superintendent Schools	4	8,574	4,054
23	2,967	9,707	8	Surveyor	7	8,414	3,258
24	3,506	9,619	9	Coroner	8	8,370	3,895
25	3,411	9,711	7	Commissioners	9	8,291	3,618
				Precinct offices			
26	1,549	7,772	10	Justices of the Peace	11	6,030	2,386
27	1,311	6,887	11	Constables	10	6,054	2,173
28	1,288			Committee-People			2,493

supreme court, and regents of the University of Colorado—the last receiving an average of 227,511 votes. (See Table I.)

A little wider range of popularity appears in the list of district offices than in that of state offices. District attorneys, ranking higher than the governor in the aggregate of votes cast, had a good lead with 265,799 votes, followed in order by members of Congress, members of the state house of representatives, district judges, and, lastly, by state senators, who received but an average of 181,463 votes.

Among county offices there seemed to be no great divergence in popularity among those offices which are filled by the county at large.

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In fact, in the two counties studied, no one office held the same popularity rank in both counties. Fewer votes were cast for county commissioners, coroner, and surveyor than for the county judge, clerk, sheriff, treasurer, and county superintendent of schools. Only from two-thirds to three-fourths of those voting for county officers, however, cast a ballot for either of the two precinct officers, justice of the peace and constable. In some precincts, the election of a justice of the peace had to be decided by lot because but one vote was cast for each candidate. (See Table II.)

There was a large disparity, nevertheless, between the popularity of those offices voted for in the state at large and the initiated and referred measures, which received an average of but 139,142 votes. The proposed constitutional amendments were accorded slightly fewer

TABLE III—AVERAGE VOTES CAST IN COLORADO ON INITIATED AND REFERRED MEASURES

YEAR	NUMBER OF MEASURES	NUMBER OF MEASURES CARRIED	VOTES CAST ON:		PER CENT OF "ELIGIBLE VOTERS"	PER CENT OF HIGHEST VOTE AT ELECTION
			Amendments	Enactments		
1910	5	5	81,163		23	36
1912	32	9	91,716	95,030	25	33
1914	16	4	141,105	125,213	38	49
1916	8	3	174,202	191,326	49	63
1918	5	5	147,482	113,152	37	57
1920	10	4	187,978	182,197	46	63

votes, for and against, than were statutory enactments, although they were scattered among the enactments. Initiated and referred propositions are listed as the last items on the ballot in the following order: amendments and enactments proposed by popular initiative in the order in which the petitions are filed, amendments proposed by the legislature, and finally enactments referred by the legislature.

The votes, for and against combined, on these measures have, in these ten years, been cast, on the average, by not less than 23 per cent nor more than 49 per cent of the qualified voters of the state. Certainly it is a small portion of the eligible voting population of the state which carried or defeated these measures. It is a smaller portion, by more than one-half, than is represented in measures passed or defeated in regular fashion by the legislature. It was very evident that the fewer the measures and the larger the issues involved, the more votes were

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cast on them. Previous to 1912 there was no provision for the use of the initiative, and the referendum was employed for constitutional amendments only. In that year thirty-two measures were before the people and but 33 per cent of those voting voted on these propositions; while in 1920, when only ten measures were presented, they received the attention of 63 per cent of those voting at the polls. (See Table III.)

The relative importance of the issue presented deserves special mention in regard to its effect on the size of the vote. Matters of large public policy are generally given wide publicity and often draw relatively high numbers of votes, regardless of the position on the ballot. (See Table IV.) Such measures are represented by the prohibition proposals (No. 1 in 1912, No. 2 in 1914, No. 3 in 1917, No. 1 in 1918), the amendment establishing the initiative and referendum (No. 1 in 1910), provisions for the care of dependent and neglected children (No. 17 in 1912), for the construction of railway tunnels under certain mountains for public or semi-public purposes (No. 32 in 1912, and No. 5 in 1920), for better roads (No. 7 in 1914), for a widely advertised measure relating to the running of stock at large (No. 6 in 1916), for a widely advertised hospital for the curable insane (No. 6 in 1920), and for an equally well advertised raising of the tax limit for the benefit of the state educational institutions (No. 7 in 1920).

On the other hand, technical measures, or measures gaining little publicity, or those involving a slight change in governmental administration, poll few votes; and the great majority of the measures on the ballots are of this class. A few will suffice as illustrations: A method of amending the constitution (No. 10 in 1912), a measure concerning contempt proceedings to inforce a proposed election law (No. 12 in 1912), a civil service act (No. 18 in 1912), a bill relating to the public funds (No. 23 in 1912), public service commission acts (Nos. 9 and 13 in 1914), a provision for replacement of the state tax commission by a state board of equalization (No. 5 in 1916), a proposal for holding a constitutional convention (No. 8 in 1916), one for reducing the time for the introduction of bills in the legislature (No. 5 in 1918), and one relating to a detail concerning county judges (No. 9 in 1920).

It is also interesting to note in regard to this group of technical measures that the voter seems very much inclined to vote against any measure he does not understand, provided he votes on it at all. A few voters do have a decided attitude toward certain types of measures, as is evidenced by the decisive defeat of these measures in spite of the low vote cast on them. Among them are provisions for the increase of

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salaries of certain officials, for the modification of the initiative and referendum amendment, for the raising of debt limits, and for the appointment of justices of the peace and constables. But while such

TABLE IV—PERCENTAGE OF VOTES CAST ON PARTICULAR MEASURES, BASED ON THE HIGHEST VOTE CAST AT EACH ELECTION

ORDER ON BALLOT	1910	1912	1914	1916	1918	1920
	100	100	100	100	100	100
1	52	69	62	61	81	67
2	31	51	92	55	53	66
3	33	50	53	82	64	60
4	28	34	45	70	50	59
5	35	36	51	56	39	78
6		30	48	82		70
7		32	64	58		73
8		34	47	42		58
9		33	39			45
10		26	40			55
11		27	48			
12		26	43			
13		28	37			
14		30	38			
15		33	41			
16		34	39			
17		43				
18		26				
19		36				
20		32				
21		36				
22		27				
23		23				
24		31				
25		28				
26		25				
27		26				
28		26				
29		25				
30		28				
31		32				
32		50				

measures stand a good chance of defeat, social legislation proposals are treated very favorably. In those elections in which few measures are presented, each measure stands a much larger chance of being carried. (See Table III.)

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In addition to this, public opinion seems to be much better expressed when but a few measures are submitted to the voters; for in 1912, when the thirty-two measures were on the ballot, only four of them, the first three and the last, received as many as 50 per cent of the highest number of votes cast, whereas in other years, when fewer measures were submitted, not only were larger percentages of votes cast on the measures, but also a much larger proportion of the measures received 50 per cent or more or the highest votes cast at the elections. (See Table IV.) The influence of the position on the ballot is noticeable here, in that the last few measures of the group never receive as many votes as do the first few.

Some emphasis should be placed on the arrangement of the ballot which puts the prominent offices before the voter first. Candidates for national offices are listed first, those to be voted upon by the state at large next, followed by those elected in districts (except for representative in Congress), then by nominees for county positions, followed by precinct officers, and finally the list of direct legislation measures. (See Tables I and II.) It is not strange, then, that in general, from the first to the last of the ballot, the farther down on the ballot list the candidates' names appear the fewer will be the votes cast for them. The first item or two in each successive group of offices or measures on the ballot seems to arouse a little more interest, but the last items of each group suffer a greater decline than do the intermediate ones.

These figures indicate how much the voter is interested in the election of prominent officers, a national officer or representative, or the governor, and how prone he is to forget local offices, especially if they come far down on the ballot list. In the ten-year average, for every one hundred persons who voted for presidential electors, eleven failed to vote for one or more state officers, and thirty-seven failed to vote for one or more district officers. Moreover, the voter seemed to be interested in personalities rather than in measures, for out of the above one hundred voters fifty-two failed to vote "yes" or "no" on initiated or referred propositions. Although occasionally a high vote was cast on a particular proposition of tremendous importance as a state-wide policy, it never reached higher than 93 per cent of the highest vote cast for candidates for a particular office.

The question now to be answered is: Are the voters indolent? Possibly so. But this we cannot determine definitely until they are no longer asked to do the impossible. Even though city and general elections are held separately (and to say nothing of the advisability or

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inadvisability of the added election, the direct primary), the voter is asked at the general election to choose one from among several candidates for each of some thirty offices, and to do it wisely, according to the merits of the candidates or their party standing. In addition to this he is aksed to take a positive or a negative stand on from five to thirty-two statutes or amendments in which he has little interest, and many of which are about matters requiring a high degree of technical information. He is in no position to decide such questions. Surely only matters of large public policy should be placed before him.

Not until the voter has fewer offices to fill, and not until he has fewer propositions to determine, will we be able to tell whether or not he is indolent. But this may be said, that if he availed himself, as democracy demands, of all the information necessary to select candidates and issues properly, for all the offices and matters presented to him now, he would be a busy voter indeed.

R. C. SPENCER.

Linville College.

Annual Meeting, 1922. The eighteenth annual meeting of the American Political Science Association was held at Chicago, December 27 to 29, 1922. The attendance was unusually large; one hundred and thirty members were registered, and it is probable that more than one hundred and fifty were in attendance. The interest was well sustained and altogether the meeting was regarded as one of the best in the history of the association. The American Economic Association, the American Sociological Society, and other related organizations were in session at Chicago at the same time, and a smoker was tendered the members of the various groups conjointly by the University of Chicago and Northwestern University.

The meeting opened on the forenoon of December 27 with a round table conference on public administration, under the chairmanship of Professor Leonard D. White of the University of Chicago. Dr. Luther H. Gulick, of the National Institute of Public Administration and Professor C. P. Patterson of the University of Texas took part in the discussion. This was followed at noon by a subscription luncheon, jointly with the American Association for Labor Legislation, at which the principal speaker was M. Albert Thomas, director of the international Labor Office at Geneva.

At an afternoon session devoted to the general subject of political theory, Professor Walter J. Shepard of Ohio State University presided,

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and papers were read as follows: "The Nature of Political Theory," by Professor R. G. Gettell of Amherst College; "Pluralism: A Point of View," by Professor George H. Sabine of the University of Missouri; "The Relation of the Political Theory of Guild Socialism to the Pluralistic Theory," by Miss Ellen D. Ellis of Mount Holyoke College; and "The Theory of Guild Socialism," by Dr. Rodney L. Mott of the University of Minnesota.

The president of the association, Professor William A. Dunning, died in August, 1922, but left a paper for a presidential address. This paper, entitled "Liberty and Equality in International Relations," was read at the Wednesday evening meeting by the second vice-president of the Association, Professor J. S. Reeves, of the University of Michigan; and interesting reminiscences of Professor Dunning, together with estimates of the nature and extent of his influence as a scholar and teacher, were presented by Professor T. R. Powell, of Columbia University, and Professor F. W. Coker, of Ohio State University. Professor Dunning's paper is printed in this issue of the REVIEW.

A principal feature of the meeting was an extensive report by the committee on research in political science, appointed at the Pittsburgh meeting in 1921. At the morning session on December 28, the chairman of the committee, Professor C. E. Merriam, of the University of Chicago, explained the nature and purpose of the committee's work; and an account was given by Professor R. T. Crane, of the University of Michigan, of the present organization of government research agencies. and by Professor J. A. Fairlie, of the University of Illinois, of the status and achievements of legislative and municipal reference agencies. The report was continued at the afternoon session, when Professor Merriam presented a report on the development of political thinking and the committee's findings and recommendations; and Professor A. B. Hall, of the University of Wisconsin, outlined a project for an annual research conference, to be held each summer and to afford opportunity for interchange of experience and opinion. At an informal conference following the regular session the appointment of a committee to organize this project was authorized. Farther announcements will be made through the political science journals.

At the evening session, with President H. P. Judson, of the University of Chicago in the chair, M. Thomas delivered an informing address on problems of nationality in relation to contemporary European politics.

The morning and afternoon sessions on the 29th brought out two notable series of papers. The subject at the morning session was European politics, and the papers were: "English Party Politics,"

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by Dean O. D. Skelton, of Queen's University, first vice-president of the association; "Colonial Participation in Imperial Wars," by Professor C. D. Allin, of the University of Minnesota; "The Growth of Presidential Government in Europe," by Professor Charles E. Martin, of the University of California (Southern Branch); and "Modern Problems of Sovereignty," by Baron S. A. Korff, of George Washington University. The afternoon group, on the general subject of international political science, consisted of: "The Field of International Political Science," by Professor Pitman B. Potter, of the University of Wisconsin; "International Law in Relation to Constitutional Law and Government," by Professor Quincy Wright, of the University of Minnesota; "International Law as Law for Law Students," by Professor Edwin D. Dickinson, of the University of Michigan; and "International Politics and History," by Professor Henry R. Spencer, of Ohio State University.

A luncheon conference on Thursday afforded opportunity for hearing a lucid discussion of "The League of Nations as an Agency of International Legislation," by Professor Manley O. Hudson, of the Harvard University Law School. At a similar conference on Friday, "Political Science as Psychology" was considered in an illuminating way by Dr. H. M. Kallen, of the New School of Social Research, and various applications of psychology in the practical work of government were described by Dr. H. F. Gosnell, of the University of Chicago.

On December 30, a round table conference of the Association of American Law Schools on the teaching of statute law and legislation was held at the Hotel La Salle, in which Professor Ernst Freund and W. F. Dodd, of Chicago, Professor A. B. Hall, of the University of Wisconsin, and Professor Jacob van der Zee, of the University of Iowa, took part.

The executive council and board of editors held two sessions on the 27th; and the annual business meeting of association was held on the afternoon of the 28th. The report of the secretary-treasurer on the membership and finances of the Association may be summarized as follows:

I. Membership

Members added during the year	198
Resignations and cancellations for non-payment of dues	111
Net gain in membership	87
Total number of members paying annual dues	1391
Life members	59
Total membership	1450

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It was pointed out that the increase for the year was the largest in a decade, but that the membership ought to be much larger than it is as yet; and the hope was expressed that members generally will endeavor to see that persons likely to be interested in the work of the association are invited to join, or, ar all events, that their names are reported to the secretary of the association.

II. Finances

1. Balance on hand, December 15, 1921		$42.68
2. Receipts, December 15, 1921 to December 15, 1922		
Dues for 1920	$ 44.00	
Dues for 1921	153.03	
Dues for 1922	4137.87	
Dues for 1923	885.50	
Voluntary contributions for the *Review*	534.30	
Sale of publications	222.50	
Collection of old accounts	13.33	
Advertising	66.66	
Royalties	24.32	
Total receipts		$6081.51
Total balance and receipts		$6124.19
3. Expenditures,		
Bills paid for 1921		$ 695.30
Williams & Wilkins Co., Baltimore (printing and distributing the *Review*)		3929.84
Expenses, office of Secretary-Treasurer		314.41
Clerical and stenographic assistance, Managing Editor		667.62
Expenses, office of book review editor		33.61
Postage		148.00
Stationery and printing		220.00
Exchange subscriptions		7.50
Paid for back numbers of the *Review*		12.00
Secretary-Treasurer, railroad fare, council meeting at Williamstown, Mass.		72.04
Miscellaneous		15.15
Total expenditures		$6115.47
Balance		8.72
4. Trust Fund		
Balance, December 15, 1921 (certificate of deposit at 4 per cent in First National Bank, Madison Wisconsin, due February 5, 1923		$1043.92
Receipts from life memberships		121.00
Total		$1164.92

Estimates were presented for the year 1923 showing probable receipts of $6221 and expenditures of $5863.

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The treasurer's accounts were audited by a committee consisting of Professors C. C. Maxey of Western Reserve University, and F. G. Bates, of Indiana University, and were reported correct; and it was voted that the members of the Association be asked again in 1923, as in 1922, to make a voluntary contribution of one dollar for the support of the REVIEW in addition to the regular annual dues of four dollars.

Professor John A. Fairlie, of the University of Illinois, was re-elected managing editor of the REVIEW, and, in view of his anticipated absence from the country during the spring and summer of 1923, was authorized to designate an acting managing editor for the period of his absence. The remaining members of the board of editors were re-elected with the exception of Professor F. W. Coker, of Ohio State University, who retired at his own request and is succeeded by Professor R. E. Cushman, of the University of Minnesota.

In pursuance of the report of the committee on research it was voted to establish a standing committee on this subject, to include the members of the committee in 1922 (Professors Merriam, Crane, Fairlie and King) and one other person to be named by the president. It was voted also to authorize the president to designate two members of this committee to act with representatives of the American Historical Association, the American Economic Association, and the American Sociological Society as a Social Science Research Council.

Professors W. J. Shepard and R. G. Gettell reported on the organization, work, and plans of the Joint Commission on Social Studies and the National Council of Teachers of Social Studies. From the report, it appeared that both agencies have been active during the year, and that plans have been worked out under which it will be possible for them to supplement rather than duplicate each other. It was voted: (1) to continue the association's present representation in the Joint Commission; (2) to approve the expansion of the Joint Commission's work to include consideration of a general social science course for college freshmen; and (3) to authorize the president to appoint one of the association's representatives in the Joint Commission to represent the Association on the board of directors of the National Council, under the new form of organization to be adopted by this council at its spring meeting.

Officers of the association for 1923 were elected as follows:

President, Harry A. Garfield, Williams College; first vice-president, Charles E. Merriam, University of Chicago; second vice-president, Francis W. Coker, Ohio State University; third vice-president, J. Q.

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Dealey, Brown University; secretary-treasurer, Frederic A. Ogg, University of Wisconsin; members of the Council for the term ending in December, 1925, H. W. Dodds, New York City; B. F. Shambaugh, State University of Iowa; C. L. King, University of Pennsylvania; O. C. Hormell, Bowdoin College; and C. D. Allin, University of Minnesota.

Recognizing the desirability of meeting again with the American Historical Association, the council voted, tentatively in favor of Columbus, Ohio, as the place of meeting in 1923; although it was agreed that the question be resubmitted before a definite decision is reached.

The following resolution was introduced and unanimously adopted:

"*Whereas*, the death of Professor W. A. Dunning, president of this association in 1922, has removed an inspiring teacher, a profound scholar and a sympathetic friend and guide of American students of government, therefore be it

Resolved that the American Political Science Association express its deep appreciation of Professor Dunning's far reaching and significant contributions to the scientific study of government and its profound regret at this untimely and irreparable loss to American scholarship; and be it further ordered that the secretary of this association be and is hereby instructed to forward a copy of this resolution to the surviving sister of Professor Dunning."

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BOOK REVIEWS

EDITED BY W. B. MUNRO

Harvard University

Philosophy in the Development of Law. By PIERRE DE TOURTOULON, Professor of Legal History in the University of Lausanne. Translated by Martha McC. Read. (New York: The Macmillan Company. 1922. Pp. xi, 653.)

An Introduction to the Philosophy of Law. By ROSCOE POUND. (New Haven: Yale University Press. 1922. Pp. 307.)

These two volumes, the larger by a distinguished professor of the Swiss University of Lausanne, and the smaller by the dean of the Harvard Law School, are sufficiently related to justify the effort to deal with them in one review. The larger and more elaborate of the two, that of Professor Tourtoulon, will be considered first. This is intended to be Volume XIII, in the Modern Legal Philosophy Series, though, unfortunately, nothing on the outside of the volume indicates that fact.

In scope and treatment this volume (as is fitting) is quite unlike any other in the series. It is not a treatise on analytical jurisprudence, such as the well known work of Professor Holland, for example. It is not a work on the science of law, like that in this series by Gareis. It is not an exposition of the world's legal philosophies, like that of Berolzheimer, nor a comparison of philosophies like that by Miraglia. It is not a general theory of law, like that of Korkunov; an exposition of a particular philosophy like that of Kohler; nor is it written to establish a certain thesis like the famous work of Ihering, translated in this series under the title of *Law as a Means to an End.* It is, rather, an attempt to deal historically with certain of the philosophical, and, particularly, the psychological forces which have operated in the development of law. Not the law of any particular country or time, but law generally. The book opens with a discussion of teleology in the history of law, which the author considers under two heads: Metaphysical Teleology, and Human Teleology. The greater part of the volume is then devoted to causality in the history of law, in which, after an analysis of the idea

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of cause, there is a discussion of such subjects as Biology and Law, Race and Law, Selection in and through Law, Social Psychology and the Law, Law and the Emotional Life, Law and the Intellectual Life. In this portion also is a chapter entitled the "Diseases of Legal Thinking," dealing with such matters as credulity, language myths, historical myths, and fashion; also chapters on the Rational Element in Law, dealing with analysis, definition, analogy, construction, fiction.

The author then turns to the Higher Orders of Juridical Thought, and considers scientific or "Pure" Law, and, under the head of Law and Metaphysical Thought, develops the conception of justice. There follows a chapter on Law and Life. The final division of the book deals with Determinism and the Idea of Law; Evolution, Transformation, and Progress; and the closing chapter with the part played by chance in the development of law.

Professor Tourtoulon is here neither an advocate, a reformer, a prophet, nor a propagandist. He is, rather, an acute, a wise, and courageous analyst and critic. He takes up one idea or conception after another, subjects it to a close and searching examination, points out its truth or fallacy, makes almost always a wise and frequently a witty comment, and passes on. He makes little obvious effort to convince the reader. Frequently, after setting out conflicting views, he asks, "Which is the better?" and replies, "That, the reader may determine for himself," though the reader has usually very little doubt as to his views. There is, nevertheless, a marked air of detachment and judicial impartiality about it all. His exposure of shams, fallacies, and looseness of thought, is very keen. His chapter on the "Diseases of Legal Thinking" would alone justify the writing and the reading of the book. Our subservience to phrases, and the ease with which we deceive ourselves, and allow others to deceive us, by specious sophisms, can not be too strongly emphasized. In the discussion of the "Brocard," or the proverbs, maxims, and adages which have contributed to the growth of law, there is much wise comment and needed warning as to the unreliable character of legal maxims.

The chapter on Justice, though containing much that is valuable and illuminating, is the least satisfactory to the reviewer, because he cannot regard the principle of *suum cuique* as so clear in its results or so easy of application as the author apparently does. What is "one's own," in the complicated conditions of modern life, is often exceedingly difficult to determine.

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Professor Tourtoulon's contends that justice does not demand the enforcement of contracts, except where there is a substantially equivalent exchange of values. This is confessedly quite contrary to existing rules, and exceedingly difficult of practical application. His assertion that "the principle, that promise or consent creates obligation, is foreign to the idea of justice," is in striking contrast to that of Professor Pound who argues for the principle that reasonable expectations must be satisfied.

Quite different from this book of Professor Tourtoulon is the little book of Professor Pound, which undertakes to give "a written version of lectures delivered before the Law School of Yale University as Storrs Lectures in the school year 1921–22." The book is divided into six chapters entitled The Function of Legal Philosophy, The End of Law, The Application of Law, Liability, Property, and Contract, respectively. The method here also is historical, and attempts to point out the philosophical background and explanation of these several subjects. Unlike Tourtoulon's book, however, this book attempts to be constructive. It seeks to justify a newer legal philosophy, and to suggest newer principles to govern such conceptions as liability, property, and contract. These are, in a word, a more "sociological" conception of the nature and purpose of law, and a recasting of our ideas respecting, liability, property, and contract, so that these may be regarded not so much as the product of natural law or right, or as the expression of the individual will, but rather as social agencies which may be moulded to promote social utility, the realization of reasonable expectations, and good faith.

It would be obviously unfair to expect to find, within the narrow limits of a little book like this, the development of a complete legal code; and Professor Pound would be the first to admit that many of the principles which he suggests would require a vast amount of elaboration and qualification to fit them to serve as workable rules of conduct respecting the relations to which they refer.[1]

[1] Thus, for example, when on page 188, it is said that men must be able to assume "(a) that their fellow men will make good reasonable expectations created by their promises or other conduct," does this mean that if, by my conduct in establishing my business at a certain place, I arouse "reasonable expectations" that I shall continue it indefinitely in the future, it should be the law that I may not discontinue it under any circumstances?;" or "(b) that they will carry out their undertakings according to the expectation which the moral sentiment of the community attaches thereto," does this mean that if a water company agrees to supply water for certain stipulated rates it must later reduce its rates

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Although the legal philosophy which underlies this book is not the one to which the reviewer adheres, he gladly bears testimony to the learning and vigor with which it is set forth. He feels quite sure that, constituted as he is, he would not like to live in a society organized in accordance with what seem to be the implications of "sociological jurisprudence" (though its bark may perhaps be worse than its bite), but he feels reasonably sure that he will not be compelled to.

FLOYD R. MECHEM.

University of Chicago.

An Introduction to World Politics. By HERBERT ADAMS GIBBONS. (New York: The Century Company. 1922. Pp. xiii, 595.)

An Introduction to the Study of International Organization. By PITMAN B. POTTER. (New York: The Century Company. 1922. Pp. xiv, 647.)

Stirring events in the field of international relationships during the last eight years have lent stimulus to the writing of many books dealing with international law and kindred subjects. Even Americans, startled into the realization that national issues are coming to be more and more dependent upon and inextricably interwoven with international actions and reactions, are turning their attention to the neglected study of international relations in many of its phases. Two recent books appearing in the Century Political Science Series both deal with this problem of internationalism, albeit from very different angles,—the one, a study of international politics during the last half-century from a historical and critical viewpoint, and the other, an exposition of various forms of international organization and of those institutions which make an internationally organized society possible.

Mr. Gibbons' book is the story of the great drama of recent times, the tale of powerful nations, intriguing, bargaining, cajoling, threatening, trading with the destinies of whole peoples, playing the great and terrible game of world politics. Rather a sorry tale it has been on the

because "the moral sentiment of the community" attaches to the contract such an expectation?; or "(d) that they will restore in specie or by equivalent what comes to them by mistake or unanticipated situation whereby they receive what they could not have reasonably expected to receive under such circumstances," does this mean that if I buy land and later, unexpectedly to me, an important industry is established near by, and, as a consequence, the land takes on an unexpected value, I must "restore in specie or by equivalent" this unexpected value to my grantor or to the owners of the industry which caused it?

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whole, a tale of national greed and lust for power in a world where selfish ambition and fear are among nations the compelling motives, and where there is as yet no curb for international adventurers and freebooters except the law of tooth and fang. In such a world the prize goes to the strong and the devil take the hindmost; the weak, the lame, the small nations can continue to exist only if powerful states find it to their selfish interest to protect them or to prevent their being devoured by other rival states. With incredibly few exceptions nations have not yet had the faith or the vision to shape their conduct on Christian or moral principles rather than on pure self-interest. "Ideals and sentiments of humanity," as Mr. Gibbons says "have no place in world politics."

When China sought to shake off the shackles of the fettering past and the liberal elements of that country combined to overthrow the Manchus in 1912, sympathy with the new-formed republic went out from men and women in every corner of the world. International diplomacy, however, sought to strangle the new republic, first by withholding recognition, and next by refusing to extend to it vitally necessary loans except on terms which spelt its continued subservience to its creditors; with this end in view the new republic was actually forced to cancel a loan arranged on less onerous terms with private English bankers. So in Persia, it was not the needs and welfare of the Persian people which shaped the character of British and Russian control following the Anglo-Russian Convention of 1907. Great Britain and Russia, having divided up this field for exploitation between themselves, refused to allow Persia to contract elsewhere any loans which involved the granting of concessions "contrary to Russian or British political and strategic interests;" and in order to provide an excuse for further tightening their strangle hold upon the troubled country, they refused to allow Persia to borrow money necessary for the reorganization of her gendarmerie, either abroad or from themselves or out of revenues collected within the zones occupied by them within Persia's own territory.

The World War many hoped would teach a different lesson; surely none who saw Germany's fall could doubt the tragic consequence of selfish national ambition for the mastery of other peoples. But the Sykes-Picot agreement, entered into after the war by Great Britain and France for the division of Asia Minor, another international plum, tells the same story. "The dividing lines," writes Mr. Gibbons, "were settled after long and bitter discussions in which oil and copper,

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and not the necessities or wishes the people concerned, were the guiding considerations."

Throughout the course of the book Mr. Gibbons does not hesitate to lay bare the selfishness and materialism of international politics. In many ways he suggests that the evils of German diplomacy, which we learned during the war thoroughly to abhor, were not in fact peculiar to Germany, but bear the stamp of international politics as it is played in practically all the chancelleries of the world. "Must we not admit then," says Mr. Gibbons, "that *Realpolitik* and *Weltpolitik* are human, and not simply German, phenomena, and that they call for attention no less after our victory than before war?"

This might be called the thesis of his book. The simple recital of his story gives sufficient answer to his question. Readable his story is, and uncommonly interesting; although if the book is to be considered as a work of history, Mr. Gibbons has done better work before. Parts of the book are somewhat superficial, and lacking in imagination; and one cannot help questioning some of Mr. Gibbons' conclusions. It is not a great book. But is well worth reading.

Mr. Potter's book is of a very different character. Less ambitious in its scope, it attempts simply to furnish a clear exposition of the various elements which form the structure of international organization. Mr. Potter first examines with meticulous care the origin and nature of modern states, and then takes up the machinery of present-day diplomacy, describing in considerable detail the origin and modern functioning of the consular system, and the organization and nature of the diplomatic service. After a discussion of how treaties are negotiated and made, he next describes what has been done so far along the lines of international arbitration, with particular reference to the Hague courts, and follows that with a description of various forms of international administration. A discussion of international conferences and congresses leads up to the culminating event in the development of international organization,—the League of Nations, which is described and discussed in his concluding chapters.

One is impressed on reading the book with the evident care and painstaking research with which Mr. Potter has pursued his subject. He has collected and set forth much interesting material. But has he made adequate use of this material? Has he sufficiently shown its bearing upon the problems of international organization, or delved deeply enough into the nature of those problems? Perhaps a mere work of exposition is enough. Yet one cannot help regretting a little

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that such careful cultivation of the material on the part of the author should not yield a richer harvest. One hopes that some day perhaps it will.

FRANCIS B. SAYRE.

Harvard Law School.

Woodrow Wilson and World Settlement. Written from his Unpublished and Personal Material. By RAY STANNARD BAKER. (New York: Doubleday, Page & Company. 1922. 2 vols. Pp. xxxv, 432; xii, 561; and a third volume of documents, xv, 508.)

As its title would imply, Mr. Baker's work is not a history of the Peace Conference. It is lacking in many facts which the student would wish to have before accepting the author's judgments,—the most regrettable omission being a treatment of the territorial settlement in Europe. For the most part, these volumes are a journalistic account of the mental processes and the psychological motives of the American, French and British delegations at Paris. They have been written from documents in President Wilson's files, many of which had not hitherto been published.

Mr. Baker traces the fight of the American delegation against the secret treaties, censorship, and the domination of the conference by the military hangers-on. He shows in detail its struggle for the League of Nations—Mr. Wilson's irreducible minimum, the incorporation of the league in the treaties, the use of English as an official language, the mandate system, disarmament, the abolition of conscription, and a small and definite reparations sum. In making this struggle, Mr. Wilson fought alone. Of course, he received no help from Clemenceau and very little from Lloyd George, who is painted as the worst kind of an opportunist. Before the treaty was presented to Germany, Lloyd George wants its terms made harsh; but after the treaty is handed to them, his feet turn cold and he begs for modification. It is interesting to hear him confess that he had never heard of Japan's twenty-one demands, and to watch him attempt to buy Italy out of Fiume by giving her concessions in Turkey. But Sonnino wanted both!

There does not seem to have been a single American commissioner, except General Bliss, who really sympathized with the President's aims or helped in their prosecution. Secretary Lansing was preoccupied with legal metaphysics, and Colonel House was quite affable to the

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demands of the Old Diplomacy. Mr. Wilson probably fought as strong a battle at Paris as any man could have fought alone. But how much more successful might he have been if he had known how to call to his support, not only better commissioners, but the public opinion of the world? He talked much of this moral force, but he studiously withdrew himself from contact with it.

These volumes have harsh words for French imperialism, and they trace in a revealing manner the meddling of the French army officers throughout Europe, whether in stirring up the Rhine rebellion or in urging the Rumanian advance into Hungary. They show how Italy never agreed to accept the President's Fourteen Points, as far as Austria was concerned, at any time during their dismal history.

Mr. Baker is more honest than other members of the American delegation who have attempted to defend the Paris treaties as a whole. He frankly admits that many of their clauses are vicious; but he believes that the League of Nations is the redeeming instrument which will eventually set these clauses aside. Perhaps this will prove to be true. But from the legal standpoint, the argument is weakened by the fact that the President's article providing for the revision of the *status quo* was omitted from the Covenant as finally adopted.

When one reads these volumes, he draws the impression that European diplomats are mostly scoundrels and that American diplomats are mostly saints: America was pure at Paris because she was "disinterested." But this was our very weakness. We asked France to give up the Rhine, and Italy to give up Fiume, and Poland to give up Danzig. But we could not prove our sincerity by ourselves giving up similar lucre because the Central Powers had nothing which we wanted. When the opportunity came to prove that we were not hypocrites, we failed to use it. We insisted on equality for racial minorities in the new states, but we refused to adopt it for Japanese and Chinese populations in America. We protested against alliances and special understandings, but we insisted on the exemption of the Monroe Doctrine from the operation of the league. We demanded the Open Door in the peace treaties, but we would not alter our high-tariff policy which eventually will prove as harmful to international peace as the Closed Door. We demanded that Germany pay only a small indemnity, but we refused to cancel the inter-allied debt. America in Europe insisted on having her cake and eating it too!

There is a great deal of repetition in Mr. Baker's volumes. One is hardly satisfied with his treatment of the secret treaties, especially

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the Treaty of London. It is incorrect to say that "we do not share" in the distribution of the ex-German cables (II, 485), since we shall undoubtedly secure the cable between Guam and Yap.

Despite the limitations of the work, Mr. Baker has done more so far than any one else to tell the story of the Peace Conference. But much remains to be done; and in this task the documents he prints in the third volume will be of great value.

R. L. BUELL.

Harvard University.

The Cambridge History of British Foreign Policy, 1783–1919. Edited by Sir A. W. WARD, Litt. D., and G. P. GOOCH, Litt. D. in three volumes. (New York: The Macmillan Company. 1922. Vol. I, pp. xii, 628.)

Since the World War British historians have been giving increased attention to the foreign policy of their country. The present volume is the first of three which are being issued by the learned and energetic Cambridge school of historians, which has already given us *The Cambridge Modern History.* It contains an introduction of 140 pages by Sir Adolphus Ward; four chapters on the period from 1783 to 1815; and a fifth on the American War and the Treaty of Ghent. Several appendices follow, with extracts from despatches, which chiefly serve to confirm Lord Malmesbury's view that he "never received an instruction which was worth reading," (p. 158). The volume contains no maps, but a satisfactory bibliography and an index.

On the whole it is rather a history of foreign affairs than of foreign policy. The order is severely chronological, and we are given multitudes of facts, but largely left to draw our own inferences about the policy,—if policy there were. The introduction merely summarizes the chief events in the foreign relations of England from William the Conqueror to William Pitt, events presumably already known to the average reader of a work of this nature. One sighs for the pregnant generalisations of Émile Bourgeois or Sorel or Sir John Seeley.

Mr. J. H. Clapham, Professor Holland Rose, and Professor C. K. Webster, the other contributors, are a little more lively. Mr. Clapham gives some interesting character sketches of the chief foreign secretaries and of the diplomatic agents abroad, on whose importance he rightly insists, and Professor Webster is very clear and good on Castlereagh. The fifth chapter is unsatisfactory. In it Professor Webster summarizes

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the negotiations at Ghent, which turned in part on the question at issue concerning Canada and the western Indians, but in his brief statement of the causes of the war does not mention either. Why did they bulk so large in the negotiations if they were not also among the causes?

W. L. GRANT.

Upper Canada College, Toronto.

The Control of American Foreign Relations. By QUINCY WRIGHT, Professor of International Law in the University of Minnesota. (New York: The Macmillan Company. 1922. Pp. xxvi, 412.)

This book, which won the first prize of two thousand dollars in the Henry M. Phillips contest conducted in 1921 by the American Philosophical Society, comes at its subject from the legal, rather than the political side. It is not, as its title might suggest, a study of the forces which control foreign policy and the channels which condition their working. Its treatment is more like that of Professor Corwin's *National Supremacy* than of such a book, for instance, as Barthélemy's *Democratie et la Politique Étrangère.* How far the courts will enforce international law apart from statute; whether the President may execute an extradition treaty without enabling legislation; whether a general treaty may delegate to an international tribunal the power to determine if a particular controversy falls in the class which the treaty provides shall be arbitrated; what sort of binding international agreements the President may make without the consent of the Senate; the book deals with these and like questions from the standpoint of precedent.

Insofar as such matters have unity it is because they all illustrate the essentially dual position occupied by any governmental organ which acts upon a subject matter having an international bearing. On the one side the organ functions within a national system which is regulated by constitutional law; on the other it acts for its government as a whole in the external field regulated by international law. This antinomy or dualism between constitutional and international law is the real theme of the book. It is a study of control only insofar as it shows how the obligations of international law, resting as they do on the nation as a unit, react on and affect the constitutional distribution of functions between several different organs.

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Thus, Congress in our system exercises the power of legislation; but treaties are made by the President with the consent of the Senate, and treaties often require legislation for their execution. In such cases is Congress under any obligation to pass the legislation required? It can hardly be denied that constitutionally it is not; but under international law Professor Wright concludes that its failure to do so would amount to a breach of obligation. He distinguishes between a treaty or agreement originally made in excess of the constitutional authority of the national organ making the agreement and a treaty validly made which requires subsequent action by some other branch of the government than the treaty-making power. The former is void because one who deals with an agent is held to inquire into the extent of the agent's constitutional competence; the latter gives rise to a binding international obligation. "In the meeting of international responsibilities international law is prior; in the making of international engagements the Constitution is prior." Abstractly, the worth of the distinction may be questioned; those who agree with Jefferson would want to know whether a matter requiring action by the legislature is ever within the original competence of the treaty-making power; but Jefferson himself did not fail to notice the practical objection that his view would leave few subjects for the treaty power to act on.

Professor Wright advances the suggestion that the friction which has so frequently been generated between the various organs performing international functions in our system can be diminished by the development of "constitutional understandings" between them; such an understanding, for instance, as that the President shall consult with the House of Representatives before entering into a treaty which will require subsequent legislative action. It should be remembered, however, that the treaty-power has frequently to act with secrecy and dispatch; and for that reason the reviewer is inclined to regard as more valuable another suggestion which Professor Wright mentions with approval,—namely, that the power to confirm treaties be taken by constitutional amendment from two-thirds of the Senate and lodged in a simple majority of both houses of Congress.

JOHN DICKINSON.

Los Angeles, Calif.

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The New Constitutions of Europe. By HOWARD LEE MCBAIN and LINDSAY ROGERS. (New York: Doubleday, Page & Company. 1922. Pp. 622.)

Every one will welcome this volume of new constitutions, including the three that have not been translated into English before. Even where there have been previous versions of these documents published in magazines or in book form, in many cases such translations have left much to be desired in accuracy and in idiomatic rendering into English. Yet it ought to be said that one can rarely expect a perfect translation of a constitution. Errors are almost impossible to avoid; they lie in wait for the unwary and even for those who work their way most painstakingly through the verbiage. Every succeeding edition of a constitution does help, however, to eliminate these slips and errors and if for that reason alone, one should welcome such a book as this which has just appeared.

There is one thing beyond the translator's control to a large degree, the vagaries of foreign governments who offer official versions that are incomplete, and expressing more the hopes of ministers than their accomplishments.

Besides a series of short introductory chapters dealing with certain salient characteristics of a general character, under the headings Princes and Parliaments, Legislatures and Bureaucrats, Proportional Representation, etc., there are eleven chapters, each devoted, except in the case of the three minor German states, to one constitution: Germany, Prussia, Bavaria, Wurtemberg and Baden, Austria, Czechoslovakia, Jugoslavia, Russia, Poland, Danzig, Esthonia, Finland. The discussion of executives is particularly well done; so is that about proportional representation. New matter can be found under each of these headings, even under Secondary Chambers, the cause of perennial disputes.

The Historical Notes on these constitutions are quite worthy of commendation. For this volume, the German, Austrian, Prussian and Finnish constitutions were newly translated, the latter, however, being prepared from an official French text. More or less official or semi-official versions are the basis for the other translations, reprinted from various publications including those of the League of Nations, Dodd, *Modern Constitutions*, and Wright, *The Constitutions of the Nations at War*.

The most apparent omissions are those of Latvia and Lithuania; some might suggest that of Ireland also. The Esthonian constitution

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differs in some special points from those of its sister states and is the more interesting on that account. No attempt is made to draw comparisons or to develop much in the way of conclusions from the texts of the constitutions. These texts form the real *pièce de resistance* of the volume. In the appendices are found the constitutions with which one might well desire to make comparisons, Belgian, French and Italian; the recognition of new states since 1913; the Second Chamber Conference, and a competent index.

Such a book as this will add much to the material for the use of classes in history and government where such material has been particularly lacking.

ARTHUR I. ANDREWS.

Tufts College.

Legislative Procedure. By ROBERT LUCE. (Boston: Houghton Mifflin Company. 1922. Pp. vi, 628.)

When any one familiar with the subject takes up this handsome volume of six hundred pages, looks through the tables of contents and grasps the enormous scope of the work, his first impulse will be one of high admiration for the courage of the man who dared undertake so huge and difficult a task. If, however, the prospective reader is not overawed by the apparent profundity of the book and commences to peruse it, his admiration for the author's courage will soon be merged in admiration for his knowledge, his industry, his wise winnowing of material, and his lucidity and felicity of style.

I happen to be more interested in the subject than most men, and for that reason I am hardly a fair critic. I took up the book not with the intention of reading it through but only of browsing here and there among its more attractive chapters. Nevertheless I soon found myself entertained as well as instructed and in the end I read it from cover to cover with steady enjoyment and profit. Mr. Luce has had the skill not only to trace the history of legislative rules and procedure to their early sources and clearly to portray their growth and development, but in the process he has rescued a great variety of interesting and amusing incidents, anecdotes and sidelights which illuminate and vivify his picture. In this way he gives his book a human interest hardly to be anticipated from the subject. His reading must have been enormous, for he seems to have left no possible source unexplored; he cites the ephemeral literature of magazines and speeches as well as the venerable

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records of centuries ago as he follows the long and constantly broadening line of legislative precedents from the very beginnings of English parliamentary government.

The book gives the differing practices of the several state legislatures, the United States Congress, and various European parliaments. At intervals, in summing up the relative merits of the procedure used by these various legislative bodies, the author discusses the underlying questions philosophically, and although one may not invariably agree with his final judgment one must always admit the vigor, clarity and helpfulness of his reasoning.

The publishers announce that this is the first of four volumes by the same author which will deal historically, descriptively and critically with the legislative branch of government in all its aspects. The other three will treat of legislative assemblies, legislative principles and legislative problems. If the succeeding volumes approach the first in interest and information, they will form a library on the science of legislation which will be invaluable to the student. They will give to any legislator a broad and comprehensive view of his field of activity which cannot fail to add to his usefulness and to stimulate his endeavor. I think it is seldom that we have a book which indicates such meticulous study and such intellectual grasp. Who was the philosopher who said that while we demand an expert to make our clothes or our shoes, we think any one is qualified to make our government? These volumes will make any one who has mastered them an expert on the mechanism of government. Even to those who are only casually interested in legislative procedure this first volume of the series offers an unusual combination of instruction and readability.

FREDERICK H. GILLETT.

House of Representatives, Washington, D. C.

The Law of the American Constitution: Its Origin and Development. By CHARLES K. BURDICK. With two Introductory Chapters by FRANCIS M. BURDICK. (New York: G. P. Putnam's Sons. 1922. Pp. xviii, 687.)

In this excellent volume Professor Burdick has produced a compact and readable handbook and text upon the federal constitution. Fortunately for students of the social sciences it covers a wider scope than similar texts have usually covered and is not limited to those constitutional provisions most frequently involved in litigation. The

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book "makes no pretense of being a digest of all the cases," about fourteen hundred being cited or discussed. For the most part the cases have been well selected and the underlying principles expounded in a very clear and lucid manner. Historical matters have received considerable attention and the notes include valuable references to the periodical literature, where some of the best material is available.

In covering so wide a field which includes many matters of current controversy, there will be many differences of opinion both as to the accuracy of the author's generalizations and the soundness of his criticisms. For example, the reviewer is unable to follow him in his conclusions regarding the interpretation of the Commerce Act, sections 13 and 15a, to the effect that the recent amendments were not intended to enlarge the jurisdiction of the interstate commerce commission beyond that assumed in the Shreveport case, and that such an enlargement would be unconstitutional (Sec. 93). The matter has since been decided contrary to the author's views in Railroad Commission of Wisconsin v. C. B. & Q.

Likewise the reviewer takes issue with the author's contention that the child labor tax law could not be distinguished from the tax on oleomargarine. For on the face of the former law it was apparent that in reality it was a regulation and not a tax, while in the latter case the regulatory aspects of the tax were not so obvious but that they could be overcome by the presumption of constitutional validity to which legislation is entitled, (p. 185) as the Supreme Court afterwards decided in Bailey v. Drexel Furniture Company.

In discussing the historical aspects of due process of law, the author recommended Taylor's *Due Process of Law*, a recommendation with which many could not agree. On the other hand the author failed to cite the useful investigations of Flack and McGehee, which should not have been ignored.

The arrangement of the text, dealing first with the making and amending of the constitution, then with the national government, and then with the states, tends to make the arrangement topical rather than analytical, although the overlapping that one would naturally expect has been skillfully avoided.

There are other like criticisms, but most of them are matters of opinion, and would not materially detract from the standard of excellence, both as to accuracy and clearness of exposition, which has been maintained throughout. The treatment of freedom of speech is particularly well done, while the discussion of due process of law, leaves

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more to be desired. It is a good discussion of the leading cases, but is not analytical in its organization and consequently does not proceed along the lines of underlying principle.

The volume is well indexed and contains a table of cases. In the writer's opinion it is the best text for class room use now available, and will be invaluable to social scientists as a convenient and reliable handbook on the constitution.

ARNOLD BENNETT HALL.

University of Wisconsin.

Cases on Labor Law. By FRANCIS B. SAYRE. (Cambridge: Harvard University Press. 1922. Pp. xvii, 1016.)

This book is designed primarily for the use of teachers and students in law schools, in response to the growing demand for an adequate collection of cases on the law of employer and employee. It is also well suited for use by practicing attorneys who find that labor law has developed since they received their formal training and who require a more intensive treatment of the subject, but for them there might have been added marginal citations of cases not included in the text.

A reviewer of this book, in *Law and Labor* (Nov. 1922), emphasizes several omissions of cases on such subjects as picketing, co-conspiracies of employers and employees, combinations of employers to maintain the open shop or to handle the labor problem through a joint committee of employers, suits by individual employees under agreements between employers and trade unions, monopoly of the opportunities of employment at a particular trade in a particular community, and the constitutionality of statutes and ordinances providing that public work shall be done by members of trade unions or at prices fixed by trade unions. There might also be noted omissions of cases relating to child labor and the regulation of private employment agencies.

There are, indeed, references to a large number of cases not included in the text, but Professor Sayre disclaims any effort to give exhaustive citations, "but rather to cite a few leading authorities or suggestive decisions, in the belief that the latter will prove more stimulating and helpful to the student than encyclopaedic collections of cases."

Indeed, if the whole field were exhaustively covered, not only would additional subjects and cases be included but an additional volume would be required. As it is, nearly 900 of the 1000 pages of the book are devoted to cases and statutes growing out of the history and problems

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of organized labor. Only about one hundred pages are given to compensation, health and safety laws and cases. Even the accident compensation cases, requiring forty pages, throw light on labor union law since, through the principle of compulsory insurance, they involve the joint responsibility of employers for industrial conditions, which is in effect one aspect of the modern movement of collective action in matters of the labor contract. There are also numerous cases given which are not labor cases at all, but which are included because they throw light upon principles involved in the law of labor combinations. With this interpretation the book is substantially a case book on the law of organized labor, including the latest development of these laws, the compulsory arbitration systems of Canada, Australia and Kansas.

Herein one can scarcely praise too highly the extensive and scholarly research and good judgment which has brought together the cases and statutes that mark the evolution of labor law, from the Ordinance of Laborsis in 1349 to the minimum wage decisions of Justices Higgins and Brown of Australia and Justice Huggins of Kansas, or from the Ordinance of Conspirators in 1351 to the British Trade Disputes Act of 1906, and the Coronado case in 1922.

Of course the great bulk of the cases are American cases, but we have here the background of Anglo-American-Australian law, all animated by a common spirit but evolving in divergent directions during the past thirty years.

A notable feature of the book is its extensiveness. About two-thirds of the volume is spent in tracing the doctrine of conspiracy and restraint of trade in its application to trade union activities. Part I takes up among other things the legality of means used by labor organizations and the legality of ends pursued through collective bargaining,—covering strikes, boycotts, lockouts, the blacklist and the union label. Part II deals with the organization of the union, its liabilities and internal government. Part III is less closely related subject matter but can probably be classified under remedies. It deals with the injunction proper, regulatory labor legislation, compulsory arbitration and the industrial court, and workmen's compensation laws.

In the chapter devoted to industrial courts, the Industrial Disputes Act of Canada, the Australian court of conciliation and arbitration, South Australian and Kansas courts of industrial relations are covered. In this connection there is also an appendix giving in full the various

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budgets upon which the courts have been working in determining a reasonable standard of living.

JOHN R. COMMONS.

University of Wisconsin.

A Hoosier Autobiography. By WILLIAM DUDLEY FOULKE. (New York: Oxford University Press. 1922. Pp. 252.)

Had Mr. Foulke lived in England, in all likelihood he would be classified as a Victorian Liberal. In this country he has been known as an Independent, a Mugwump, and a Progressive. He represents in his person and career a high type of American citizenship. An orator and publicist of power and distinction, he has devoted himself to certain causes with ability and effectiveness. His chief concern has been the reform of civil service. With this movement he has been closely associated most of the time as a vigorous member of the National Civil Service Reform League, but for several years as a civil service commissioner. He has told the story of this work in his interesting volume *Fighting the Spoilsmen.* Other causes in which he was a pioneer are woman's suffrage and proportional representation. He was one of the early presidents of the American Woman's Suffrage Association and the first president of the American Proportional Representation League. For five years he was president of the National Municipal League, succeeding Charles J. Bonaparte in that office. While occupying that position the league published the second municipal program composed of a series of proposed constitutional amendments and a model charter, all formulated on the basis of municipal home rule.

Mr. Foulke has been interested in many issues and was active in the Progressive movement of 1912. This was due not only to his interest in the issues involved, but to his intense devotion to Colonel Roosevelt, to whom he devotes some of the best chapters of his book. Mr. Foulke is a graceful poet and has written sundry volumes dealing with general literature including an excellent life of Oliver Morton. In short he has devoted his time, his means, his experience to public causes and to the cultivation of the arts, thus making a contribution of real value to his own time. This present volume is one of reminiscences however, rather than an autobiography. It is none the less interesting for that, although perhaps not so valuable as some of the other books he has written. One wishes that the chapter entitled "Personalia" occupying but fourteen pages had been extended, for therein we find his philos-

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ophy of life and that is what is quite as interesting as some of the things a man does. For instance his views on working within the party as advocated by Roosevelt (except in 1912) and as an Independent could be made a most valuable contribution of this always recurring problem.

CLINTON ROGERS WOODRUFF.

Philadelphia, Pennsylvania.

James K. Polk, A Political Biography. By EUGENE IRVING MCCORMAC, Ph.D. (Berkeley: The University of California Press. 1922.)

The derisive query of the Whigs, "Who is James K. Polk?" has been definitively answered by Professor McCormac. His biography leaves little more to be said on the subject of the chief figure of the Mexican War and the Oregon controversy. In the preface, he raises the question as to whether Polk ought not to have been included in the American Statesmen series and the American Crisis biographies. Certainly he has demonstrated that Polk is fully as eligible to a place in the former series as Martin VanBuren or John Randolph. He was, moreover, emphatically a crisis president and as such merits inclusion in a set of crisis biographies.

Professor McCormac describes his volume as "a political biography," disclaiming any attempt to write "a personal biography." This is regrettable. Having furnished such an exhaustive and authoritative account of Polk's public career, it is a pity that he did not complete the picture by portraying the more intimate side of Polk's life. While the personal aspect is not wholly neglected, Polk is treated less as a man than as an official. Accepting the limitations which the author has imposed upon his treatment, however, we must remain grateful for a substantial contribution to our knowledge of the Jacksonian period and the "roaring forties."

Since the publication of Polk's *Diary* and the volumes by Rives, Reeves, and J. H. Smith, much has been added to our knowledge of Polk's policy as president. The earlier stages of his political career, however, have remained in partial obscurity. Professor McCormac devotes about a third of his book to an account of Polk's services as a member of the Tennessee legislature, as a member of Congress, and as governor of Tennessee, and he thereby throws light upon a portion of his career which has sadly needed illumination, though it is regrettable that he could not find space for a survey of the economic and social background of Tennessee politics.

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Naturally, the chief point of interest in the book is the author's judgment respecting Polk's responsibility for the Mexican War. While his view marks no radical departure, it is impressive because the fruit of cautious and objective scholarship: "Polk was ready to wage war to procure a territorial compensation for claims against Mexico." "Polk may or may not have acted within his rights in assuming the boundary claimed by Texas, but at least there was some justification in the contention of the Whigs that he precipitated the war by ordering Taylor to the Rio Grande."

The chapter on Oregon presents no startlingly new conclusions, but contributes together with the rest of the book to bear out the author's assertion that Polk was "neither a conspirator nor a weakling, but that he was a constructive statesman, an unusually able executive, and a sound patriot."

EDWARD E. CURTIS.

Wellesley College.

History of the Latin American Nations. By WILLIAM SPENCE ROBERTSON. (New York: D. Appleton and Company. 1922.)

This book is notable as presenting a general history of the Hispanic portions of America from aboriginal times to the present day. Previous textbooks, even those prepared for Hispanic Americans themselves, have usually rested content with the achievement of independence, or have covered the nineteenth century in most cursory fashion. Of the 570 pages allotted by Professor Robertson to his task, the first sixty are devoted to the American environment and the Iberian background of colonization in the fifteenth and sixteenth centuries; some ninety pages describe colonial institutions and the expansion of Spanish and Portuguese settlement in the New World; and after forty pages narrating the events of the struggle for independence, the remainder of the volume traces the fortunes of the modern republics to the outbreak of the World War.

Except for the island republics and Central America, each nation is accorded a separate chapter, in which political events are compactly narrated, the constitution is described, and social, intellectual and economic developments are briefly catalogued. The book closes with a résumé of the problems and ideals of the Hispanic American peoples, and relations with other states. The apportionment of space is excellent, the narrative appears to be reasonably accurate, and many college instructors will find the volume a useful compendium.

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As a pioneer in this field of textbook writing, Professor Robertson commands respect, and also the genuine sympathy of those in a position to realize the difficulties involved. Where so much must be compressed within a limited number of pages, questions of choice and of emphasis become paramount, and if the reviewer feels that in these respects the decisions of the writer sometimes appear arbitrary, he is also aware that the matter permits of difference of opinion. The book, however, lacks form, in style and in substance. The narrative too often sounds like a succession of short, scattered notes hastily strung together, a catalogue of facts unillumined by interpretative comment or clarifying generalizations. The commonplace or obvious is stressed, while the peculiar or significant is slurred over or forgotten. Especially in the chapters on the colonial era the material, excellent in itself, in arrangement seems haphazard and confusing. The story, consequently, is lacking in color, sometimes elusive in outline and occasionally misleading. On the other hand, it affords the best and most complete text we possess on the subject, and for so much we are under obligation to its author. In the bibliography the name of the distinguished writer of *The Rise of the Spanish Empire* appears repeatedly as Merriam.

C. H. HARING.

Yale University.

The Federal System of the Argentine Republic. By L. S. ROWE. (Carnegie Institution of Washington, Washington. 1891. Pp. vii, 161.)

This monograph is composed of two parts: part one is concerned with the historical antecedents of the present constitution of Argentina and the relation of the Argentine national government to the provinces; part two describes the organization and the principles of the national government of Argentina. The volume contains a brief bibliography; its appendices furnish material regarding Argentine constitutional development. Written by a scholar and publicist who has carefully investigated the Argentine constitutional system, it is a very useful study of an important South American government. It demonstrates the truth of Professor Rowe's dictum that rightly to understand the institutions of our southern neighbors, they should not be studied *en bloc*.

WILLIAM SPENCE ROBERTSON.

University of Illinois.

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Japan and the United States. By PAYSON J. TREAT. (Boston: Houghton Mifflin Company. 1921. Pp. 283.)

Added interest and authority are given this volume by the fact that all but one of its chapters were delivered as lectures in four Japanese universities last year. They survey the relations of the two countries to each other from 1853 to 1921. They are the result of fifteen years of toil devoted to investigations abroad and to teaching at home in the great field of the modern history of the Far East.

The judicially stated facts and the inferences justly drawn from them, accounting for the prevailing views of the Japanese and American peoples toward each other, are as much needed to inform and guide public opinion in America as in Japan. The views so clearly and impartially presented in the chapters on "Japan, America and the World War" and "The New Far East," in both of which Chinese claims and interests are fairly and frankly considered, are particularly timely and illuminating.

The final chapter on the "Japanese in America" calmly and reasonably represents the state of mind and feeling on both sides, finely balanced by a review of all that led up to the issues and attitudes at present involved. Despite the racial antipathies still surviving, the greater antagonism hitherto manifested, especially in California, is said to be passing away under the satisfactory control of immigration based upon the "gentleman's agreement" between the two countries.

Although written and published before the Washington Conference, Professor Treat's volume furnishes the best background for the understanding of that great pact of peace and for the forecast of its far-reaching results.

GRAHAM TAYLOR.

Chicago.

The Settlement Horizon. By ROBERT A. WOODS and ALBERT J. KENNEDY. (New York: Russell Sage Foundation. 1922. Pp. vi, 499.)

The Soul of an Immigrant. By CONSTANTINE M. PANUNZIO. (New York: The Macmillan Company. 1921. Pp. xiv, 329.)

A comprehensive statement of the aims, history and accomplishments of the American settlement movement should have much that is useful and important to the student of politics. Fortunately this statement, now presented in *The Settlement Horizon*, has been carefully

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made by competent persons. Mr. Woods has been a part of the movement since its beginnings at Toynbee Hall in England through his position as Head Resident at South End House, and with Mr. Kennedy has served the National Federation of Settlements in official positions and as joint editor of settlement studies. This present volume has been in preparation for several years, and represents the coöperation of the settlements of the United States as well as the research of its authors.

The book is divided into seven main parts, with an appendix and an excellent bibliography of the movement, and a good index. Part one presents the English beginnings of the settlements and a history of the movement in this country. Parts two and three discuss the specific undertakings of the settlements in club and class work and educational and cultural interests. Part four gives the experience of the settlements in the labor movement, consumers' coöperation, and the development of a proper standard of living. The fifth section will probably interest students of politics most, since it is concerned with the settlement experience in city politics, and relations with specific services and problems: public works, recreation, schools, health, law and order, etc. The sixth part presents the relations of settlements to other institutions, and develops the thesis of the place of the local unit in social reconstruction. The last part deals with problems of internal administration and external city and national federations of settlements.

These studies, as do others, reveal the considerable contribution of the settlement to our understanding of political problems. It has studied at first hand the workings of our governments at points at which the strain is greatest. It has observed the sources of political power. The settlements have been the first to experiment with new instruments of social control and coöperation in recreation, education, sanitation, housing, and to urge the development of municipal programs of importance and value. What is equally important, they have made known the results of these experiences in such studies as *Americans in Process*, *The City Wilderness*, *The City Workers World*, *Twenty Years at Hull House*, and now this volume. The chapter entitled "Tammany Leads the Way" is particularly suggestive, although some of its generalizations are very broad. In the very valuable chapter entitled "The Synthesis of Locality," there is a refreshing challenge to the superficial writings about "efficiency" and a timely warning concerning the city manager plan movement (page 360). One should emphasize the training given to administrators, teachers, writers and

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others in the various fields of public service by the settlements. No other American institution, perhaps, has until recently been so important a training school. It has been able to open up careers in the public service at a time when such careers were considered impossible.

The presentation of the material is generally well done. There is some repetition, however, and some puzzling and vague generalizations. The relation of the settlement to working class interests might be more carefully studied especially in view of the fact that the settlement has been least successful in recruiting the men of the neighborhood. Those interested in the problems of the American city, and especially students of municipal politics, will benefit from studying this account of a movement which, despite its admitted inadequacies, continues to reveal its inherent power and value.

Mr. Panunzio's book is the story of an Italian immigrant who became a naturalized American citizen. It is written in straightforward English, with a use of quotation that reveals to us Mr. Panunzio's success in obtaining a real comprehension of the literature of England and America. It is free from over-sentimentality on the one hand and too minute documentation on the other. The whole story is told simply and with an admirable solution of the significant episodes in the writer's experiences. Mr. Panunzio's account should be useful not only to the general reader, but especially as supplementary reading for college students of American political and economic society.

JOHN M. GAUS.

Amherst College.

A Social History of the American Negro. By BENJAMIN BRAWLEY. (New York: The Macmillan Company. 1921. Pp. 420.)

It is encouraging to note that the American Negro is today receiving much more attention from writers than at any other time since the Civil War. It is interesting to observe, moreover, that a few of the books which are now being written in this field assume a form somewhat different from that of most early works bearing on this question. There is less tendency to indulge in controversy, and more inclination to treat such neglected aspects as the social development of the race and its economic achievement. Mr. Brawley's book is an effort in this more desirable direction, but it is doubtful that its lack of proportion, style and accuracy will entitle it to all that its title signifies.

In the beginning, Mr. Brawley shows a very meagre knowledge of the African background of the American Negro and of the part which

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the Negro played in the early exploration of the Spanish and French in America. Taking up such topics as slavery and the slave trade, the author makes his story more informing, apparently because this part of the question has been very well developed by scientific investigators like Spears, Zook, DuBois, and Phillips. The nascent social doctrine resulting in the struggle for the rights of man and heralding a much brighter day for the Negro is not treated extensively enough for a work which is supposed to be a social rather than a political treatise. The reader in quest for knowledge as to the mind of that age, therefore, finds in this volume little new information concerning what the world was thinking and doing for the Negro and what the Negro was thinking and doing for himself.

The work contains considerable matter concerning the New West, the South, and West Indies, but it drifts rather into generalizations common to works far less pretentious. The relations of the Negroes and the Indians are also taken up, but only to disappoint the reader desirous of more knowledge as to the manner and the extent to which the Indian influenced the Negro in America. There is, furthermore, a failure to treat in a sufficiently well connected manner such common topics as the Missouri Compromise, the abolition movement, and the constitutional debate on slavery.

It may be possible for one to write a social history in strict conformity with the requirements of coherence and proportion, but this book diverges much further from the standard than is usual. What is said about Liberia, for example, could have been incorporated into the body of the work in the general treatment of colonization rather than as a separate chapter. In such cases, it has been necessary to repeat from chapter to chapter facts which, in that form, not only fail to enlighten but may confuse. This work is, then, neither social nor political, but such a collection of facts as the author could find in the works of others. The first part of the book is more political than social, whereas that of the period since the Civil War, during which men have been saying very much about the social problems of the races, tends to drift into the ordinary discussion of the race problem, in which opinions take the place of results obtained from scientific investigation. While a survey of this social problem by a man with a scientific grasp of things would render the public a great service this work does not supply any particular need and its publication will hardly result in any definite good.

CARTER G. WOODSON.

Howard University.

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BRIEFER NOTICES

The Letters of Franklin K. Lane (Houghton Mifflin Co., pp. 473) are not merely of current interest; they are of permanent value as a narrative of cabinet discussions at Washington during the World War. The traditional secrecy of the council room, a feature which America borrowed from England, has usually prevented the political historian from discerning the various steps by which the policy of the administration is formulated. Members of cabinets have written memoirs and autobiographies from time to time, but few of them have given us much "inside" history. Mr. Lane's letters disclose a good many things that the public did not know four or five years ago. They make clear the alignment which existed in the national cabinet during the period which preceded America's entry into the war. The ethics of making public some of the things which are printed in this volume may not be beyond cavil; but the value of the material to the student of political science is truly self-evident. All Mr. Lane's letters are interesting and they cover a wide range. He had a constructive mind, an unusual breadth of interest and a capacity for writing as though he were merely carrying on a conversation. The reader will lay down this book with a conviction that Secretary Lane was a bigger, broader and more versatile man than the country realized during his term of office.

The eighth edition of G. G. Wilson's *International Law* (formerly Wilson and Tucker's *International Law*) has been issued by Messrs. Silver, Burdett & Co. (pp. 360 and appendices). The text of the volume has been thoroughly revised and is now inclusive of the decisions, precedents and practice that were developed during the war period. In the extensive appendices are included not only the supplementary materials which appeared in the earlier editions but the Covenant of the League of Nations, the Statute of the Permanent Court of International Justice, and the Treaty on Submarines concluded in 1922. The general arrangement of the book, the analytical tables which precede each chapter, the clarity of the text, and the wealth of ancillary material combine to make the volume an excellent one for use in college classrooms.

The Trend of History by William K. Wallace (Macmillan, pp. 372) is a volume which ought to have been given a descriptive subtitle. In the main it is a treatise on political theory, more particularly on the development of political theory and its manifestations in the policy of

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nations since the days of Bodin and Montesquieu. The author believes that history can only be understood by inquiring into "the theoretical background of social practice." So he sets himself to trace, through the tangled maze of the centuries, the "logical antecedents" of the great changes which have taken place from epoch to epoch and thus to discover what he calls "the trend of history." To the student of political evolution the book contains much that is interesting and suggestive.

The Social Interpretation of History, by Maurice William (Sotery Publishing Co., pp. xxi, 397) is a criticism of Marxian socialism and of the present international socialist movement, which is founded upon Marxian principles, on the ground that they are contrary to the laws of social evolution and therefore not only unscientific, Utopian and impractical, but also anti-socialistic. For this reason the author believes that the English socialists should unite with the British labor party; while in the United States they should support the farmer labor party and also give encouragement to such coöperative activities as the community center movement, the public ownership league and the social unit movement.

Students of politics and economics, as well as of sociology, will find *Studies in the Theory of Human Society* by Franklin H. Giddings (Macmillan, pp. vi, 308) suggestive and stimulating. The consecutive studies, historical, analytical, and synthetic, are a book of sociology without the form or formality of a text. The twentieth century has been a time of rectification in science. These studies are Professor Giddings' contribution to the necessary revision of sociology.

Inheriting the Earth by O. D. VonEngeln (Macmillan, pp. xvi, 379) is a study of regional geography of "place" as an essential factor in history, politics, and human progress in general. It is the opinion of the author that "the one comprehensive and completely satisfactory explanation of the origin and development of nationality is to be found in the adjustment of peoples to the lands in which they live. . . . . The relationship that exists between land and peoples is for nations the equivalent of consanguinity in the family unit" (p. 32).

The Oxford University Press has published a small booklet on *The People of Europe* (pp. 110) by H. J. Fleure. This work brings out the

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contrasts and differences between the various parts of Europe as to race, languages, traditions and economic interests; shows the effects of their differences upon Europe's position in world affairs and makes a plea for greater coöperation among the European nations based upon their economic interdependence and their common debt to the Roman heritage.

A translation of Professor Eduard Fuerter's *Weltgeschichte der letzen hundert Jahre*, by Sidney B. Fay has been published by Messrs. Harcourt, Brace and Company, under the title *World History, 1815–1920*. The author, from his neutral vantage-point as a Swiss scholar, has been able to write of many things such as the American Civil War, the Franco-Prussian War, the Irish question, and World War with singular detachment and impartiality. The book is notably succinct for the enormous range that it covers. In fewer than five hundred pages it deals with the great events of all countries during the past ten decades.

J. A. R. Marriott's *Europe and Beyond* (E. P. Dutton & Co., pp. 335) is a sequel to the author's *Remaking of Modern Europe*, which was published some years ago. The present volume contains a survey of world politics during the half century 1870–1920. An interesting chapter deals with the United States as a world power.

The George H. Doran Company has brought out a book entitled *The Pomp of Power* (pp. 291), by an anonymous writer, which deals in a sketchy manner with the events leading up to the World War, describes the strategic mistake of the French general staff and of various military leaders of the Allies during the war, discusses the influence of politics and diplomatic intrigues from 1914 to 1918, and comments on the important developments since the Armistice. The most interesting portions of the book are those containing sketches of such personages as Haig, Joffre, Millerand, Briand, Clemenceau, Northcliffe, Woodrow Wilson, Robert Lansing and Krassin.

Italy During the World War, by Salvatore A. Cotillo (The Christopher Publishing House, pp. 159) is an account of the military preparations, hardships and sacrifices of the Italian people as seen by an American of Italian extraction who was engaged in war propaganda work in Italy. Two or three of the later chapters are devoted to a statement of Italy's claims to Fiume and to a summary of present-day needs and

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problems, the most important of which, in the opinion of the author, is coöperation with other countries, especially America.

Two recent volumes dealing with the Balkan regions are Maude Parkinson's *Twenty Years in Roumania* (E. P. Dutton & Co., pp. 255) and Ferdinand Schevill's *History of the Balkan Peninsula* (Harcourt, Brace & Co. pp. 558). Professor Schevill's book covers the field from earliest times down to the present day.

The purpose of John E. Grant's *Problem of War and its Solution* (E. P. Dutton & Co., pp. 384) is to demolish the "fatalistic doctrine" that war is inherent in human nature and to substitute therefor a more rational theory of war. The biological and historical aspects of the problem are discussed, and the author submits a plan for the prevention of future wars.

Two of the most recent publications of the Division of Economics and History of the Carnegie Endowment for International Peace deal with special phases of war administration in Japan. *The Conscription System in Japan* by Gotaro Ogawa (Oxford Univ. Press, pp. xiii, 245) contains a historical survey of the system of conscription in that country from 1873 down to the present day and sets forth the economic effects of conscription upon population, the development of towns, employment, labor, productivity, consumption and social life. The second monograph is a study on *War and Armament Loans of Japan* by Ushisaburo Kobayashi (Oxford Univ. Press, pp. xv, 221). The period covered in this latter volume is roughly from 1868 to 1912.

The Foreign Relations of China, by Mingchien Joshua Bau (Fleming H. Revell Company pp. 541), is a revised and enlarged edition of the author's earlier work on this subject. It aims particularly to show the modifications brought into the foreign relations of China through the work of the Washington Conference. This conference, as the book points out, disclosed a marked change in the attitude of the nations towards China and towards Far Eastern questions. They began to manifest a desire to develop China rather than to coöperate in its exploitation. Leased territories were returned, spheres of influence were renounced, and many grounds of controversy were removed.

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One does not have to read many pages of Ernest W. Young's *The Wilson Administration and the Great War* (Richard G. Badger, pp. vii, 466) to discover that the author thoroughly disapproves of the conduct of the national administration from 1916 to March of 1921. He blames President Wilson and the members of his official family for everything that went wrong, even for the disloyalty during the war, the high prices, the labor difficulties, etc. This book, in fact, outdoes most of the anti-Wilson campaign literature although written in a much more literary manner. In spite of its inclination to present only one side of the matter it must be regarded as an interesting contribution to the various accounts of the period by a contemporary who has taken a keen interest in public affairs.

Mr. William Roscoe Thayer has added to his notable series of biographies a volume on *George Washington* (Houghton Mifflin Co., pp. 274). Unlike the author's biographical studies of Cavour and John Hay, this volume does not deal to any considerable extent with the environment in which Washington lived or with the historic events in which he had a part. It is not a history of the Revolutionary War, or the Constitutional Convention or the early days of the republic. Nor yet is it a eulogy of a dehumanized historical personage. It is a pen picture of a man, who, although great, vigorous and self-controlled, did not cease to be a human being.

Messrs. Scott, Foresman and Co. have published for school use a book of *Selections from the Writings of Abraham Lincoln* (pp. 424) edited by J. G. de Roulhac Hamilton. There are here gathered together in convenient form the more important and characteristic speeches, letters and state papers of Lincoln. A valuable feature of the work is that, with the exception of the annual messages, one letter and a speech, the full texts are given rather than isolated extracts.

A small book which could be read with profit by every American citizen is *Grover Cleveland: A Study in Political Courage* by Roland Hugins (The Anchor-Lee Publishing Company, pp. 94). The author gives in a simple and straightforward style a chronological review of Cleveland's career and there are appended a number of short quotations taken from his public addresses and letters, and from the writings of other men concerning him.

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The Making of Citizens, by J. G. de Roulhac Hamilton and Edward W. Knight (A. C. McClurg and Co., pp. 146), one of the most recent books in National Social Science Series, points out four striking defects common among American citizens; first, a too common ignorance of fundamental facts upon which to base wholesome conduct and sound attitudes in regard to economic, social and political questions; secondly, indifference and indolence in civic matters; thirdly, the lack of critical capacity of the inability to distinguish the true from the false in statements of fact or in reasoning; fourth, the lack of a social or a civic consciousness. The greater part of the book is taken up with a discussion of the changes that are needed in our educational system in order to correct these defects. The book is the outcome of investigations made by the authors as consultants to the advisory board of the war plans division of the general staff during the year 1920.

Aspects of Americanization by Edward Hale Bierstadt (Stewart Kidd Co., pp. 260) is to a large extent a criticism of the usual methods of Americanization as unsympathetic, lacking in understanding and to a considerable degree stupid. In his opinion Americanization is not simply a matter of learning English or becoming naturalized; it is also the development of an attitude of mind on the part of the immigrant which will make him a loyal, interested citizen. It is in this latter respect, according to the author, that most programs of Americanization fall short.

Our Foreign Born Citizens by Annie E. S. Beard (Thomas Y. Crowell Co., 288 pp.) contains short biographies of thirty-four American leaders who were born in other lands. Their activities cover a very wide field, as might be expected, but each attained a high degree of eminence and their contributions to the upbuilding of America, when taken together, are assuredly impressive. The sketches are concise, clear and readable.

Americans by Choice by John Palmer Gavit (Harpers, 449 pp.) deals likewise with the foreign-born but from a different point of approach. This volume is of very distinct value to the student of politics in that it goes fully into such matters as the practical operations of the naturalization laws and the political activities of the alien born voters. Mr. Gavit's conclusions ought to have the attention of those who henceforth venture to talk or write about the "foreign-born vote." The author explodes some current ideas and indeed deals with the whole problem in an original way.

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F. N. Thorpe's *Essentials of American Government* (Putnam's, pp. 190) is an outline of the principles upon which American government rests. These principles, the author believes, are few in number, but their applications are various. "That person understands American government who knows the principle exemplified by any operation of it." The book is intended for use as a college text, supplemented, of course, by additional readings which are suggested at the conclusion of each chapter.

Our Changing Constitution by Charles W. Pierson (Doubleday, Page and Co., pp. 181) is a series of thirteen essays on various topics in American constitutional law. Together these essays attempt to show that the progress of federal encroachment upon the sphere of the states is bringing about a profound change in the whole American system of government.

The last two volumes of the *Centennial History of Illinois* (published for the Illinois Centennial Commission by A. C. McClurg and Company) contain an unusual amount of material which should be of interest to students of economics, state history and government. Volume IV, entitled *The Industrial State*, 1870–1893 (pp. 553) is by Ernest L. Bogart and Charles M. Thompson. This book traces the far-reaching economic changes, together with the political and social results, which marks the transformation of Illinois from a purely agricultural state to one with a highly diversified system of industries. Volume V, by Ernest L. Bogart and John Mabry Mathews under the title of *The Modern Commonwealth* 1893–1918 (pp. 544), is concerned with the recent history and the present government of Illinois. The latter part of this volume, which is devoted to such topics as constitutional amendment and revision, the governor, administrative service, civil service, the state legislature, suffrage, parties, elections, enforcement of state law and state finances, constitutes what is perhaps the most complete and scholarly description of the government of a particular state. It is unfortunate that there are not authoritative works of this nature for each of the forty-eight states instead of the usual poorly-written, inadequate and inaccurate accounts.

The Reorganization of State Government in Nebraska by Luella Gettys is the subject of one of the most recent bulletins issued by the Nebraska Legislative Reference Bureau (Bulletin, No. 11, July 1922, pp. 56).

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Miss Gettys not only describes the reorganization in Nebraska under the Civil Administrative Code adopted in 1919 and its results, but also gives a very accurate and thorough survey of the general state reorganization movement throughout the United States. Like most other students of the subject the author points out that constitutional changes are necessary for a further reconstruction of state government.

The Disruption of Virginia, by James C. McGregor (Macmillan's, pp. 328) is a comprehensive, careful and interesting study of the episode indicated in its title. The author is convinced that the formation of the new state was unconstitutional and that it was desired by only a small minority of the people immediately concerned.

R. G. Cleland's *California: The American Period* (Macmillan's, pp. 512) is a continuation of Dr. Charles E. Chapman's volume on the Spanish period of California's history. The book is scholarly, the outcome of patient research; but it is also replete with local color and written in interesting style. The author has been successful in avoiding the provincial or localized point of view which is so commonly characteristic of sectional histories.

The Bureau for Research in Government of the University of Minnesota has issued a booklet entitled *Charter Making in Minnesota* (pp. ix, 198) by Professor William Anderson. This work contains much sound and practical advice and although intended as a manual for citizens of Minnesota, it should also be of interest and usefulness to students of government and charter commissions in other states. Of special value are the chapters on the principles of charter making and the appendix containing a model charter drafted by the author.

The C. A. Nichols Publishing Company has issued the second volume of *The New Larned History for Ready Reference, Reading and Research* (Vol. II, Balkh—Chont, pp. vii, 839–1734). The general features of this work were described in the *Review* for November, 1922 (p. 728).

Our Republic by S. E. Forman (Century Co., pp. 852) is the latest addition to the already considerable array of textbooks on the history of the United States available for use in colleges. This history, the author explains, however, is "not one of the drum and trumpet kind," nor is it one in which the politician always holds the center of the stage.

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A large share of the space is allotted to the growth of American industry and trade.

Much useful information relating to the administration of poor relief and unemployment benefits in Great Britain is included in John J. Clarke's *Social Administration* (Isaac Pitman & Sons, pp. 364). Ample summaries of the legislation are given and an excellent annotated bibliography is added. The student of English experience in poor law administration will find in this volume an unusually compact discussion of the whole subject.

The Prime Ministers of Britain, 1721–1921, by Clive Bigham (E. P. Dutton & Company, pp. 370) is a volume which contains short biographical sketches of the thirty-six statesmen who held the British premiership from the accession of Walpole to the demission of Lloyd George. In each case the reader is given some idea of the prime minister's personality and ideas as well as of his legislative achievements. The author has performed his difficult task exceedingly well, giving his readers a book that is informative without being dull, and concise without being uninteresting. The thirty-six portraits are well-chosen and well reproduced. A concluding chapter contains an interesting summary of the prime ministers by age, length of service, antecedents and so on. A good list of their biographies is appended. To students of English political history the book is of obvious value.

E. P. Dutton & Co. have brought out in book form the *Private Diaries of Sir Algernon West* (pp. 381), edited by Horace G. Hutchinson. The diaries deal chiefly with British political happenings during the years 1892–1898; they throw a great deal of light upon the events both before and after the transition from Gladstone to Rosebery. The pages are enlivened with gossip of the lighter sort. There are some digressions which contribute to our knowledge of British political practice, for example, the description of "A Cabinet Minister's Day" (pp. 128–135). The diarist displays an intense loyalty to Gladstone; his book has been rather aptly referred to as "the memoirs of a Greville —with a warmer heart."

Liberalism in Action by Elliott Dodds (George Allen and Unwin, pp. viii, 283) is a statement prior to the recent parliamentary elections by a prospective Liberal candidate for York of the achievements of

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that party in the past, the main features of its present policy and the differences between itself and the other English parties. Mr. Dodds criticizes the recent policies of Lloyd George and those of the coalition, which he blames for much of the present confusion in certain parts of the empire, such as Ireland, India, Egypt, and in Europe in general. In conclusion he believes that within the next ten or twenty years the fluid groupings of today will solidify into three main parts,—the conservative or coalition party on the right; the socialists on the left, and in the center "formed out of a union between the forces of Free Liberalism and Moderate Labour, will be a third party, charged with the fulfilment of the historic Liberal mission" (p. 267).

England (Houghton Mifflin Co., pp. vii, 272), by an anonymous writer who calls himself an overseas Englishman, has for its principal theme the belief that England and Englishmen as contrasted with the British Empire and the British are on the wane. He indicates the factors which have contributed to the "occultation of . . . . English prestige," points out that leadership in domestic politics and military affairs has passed from Englishmen to those of Welsh, Scotch, Irish, and Jewish extraction, that England is being swallowed up in the empire, and suggests that there is need for some plan of devolution which would secure home rule for England.

The Influence of George III on the Development of the Constitution (Oxford University Press, pp. 84) is the subject of a monograph by A. Mervyn Davies which was awarded the Stanhope historical prize for 1921 at Oxford. In this study Mr. Davies examines in detail the personal action of George III in constitutional matters and gives an estimate of his position and importance, as well as that of his reign, in English constitutional history.

The Expansion of Britain from the Age of the Discoveries by W. R. Kermack (Oxford University Press, pp. 112) is not so much a discussion of imperialism as it is an attempt to look at the settlement and growth of the dominions of British Commonwealth from a geographical point of view.

The Macmillan Company has brought out a new printing of two volumes by the late George L. Beer on *The Origins of the British Colonial System 1578–1660* (pp. 438) and *British Colonial Policy, 1754–1765*

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(pp. 327). Since these volumes first appeared in 1907 and 1908 they have maintained their place as a scholarly and penetrating account of the rise and eclipse of the old colonial system of the British Empire.

The Burwash Memorial Lectures at the University of Toronto (1921) by Newton W. Rowell have been published by the Victoria College (Toronto) Press under the title *The British Empire and World Peace* (pp. 307). The first portion of the book deals with the idea of a league of nations in history and the achievements of the present league; the second with the British Empire's relation to the peace of the world; and the third with Canada's external relations. The closing chapters of the volume discuss the relation of the Church to international and to industrial amity.

Who's Who in Canada (1922) issued by the International Press Limited (Toronto) contains biographical sketches of leading personalities in Canada, Newfoundland and the other British-American territories. The inclusion of numerous photogravures is an interesting and valuable feature of the book.

It is somewhat refreshing to pick up a book on South America which does not give most of its space to a criticism of the policy of the United States towards the Latin-American republics and to a discussion of Pan-Americanism but which has for its chief aim the presentation of a comprehensive and seasoned picture of the actual Latin America of today. Such a book is J. Warshaw's *The New Latin America* (Crowell, pp. xxi, 415). This volume treats of the growth of the Latin-American countries, their industrial, social and cultural development, the rise of nationalism, the Monroe Doctrine and international relations. An attempt is also made to refute certain common fallacies and misconceptions such as the notion that South America is unsafe because of its revolutions, that moral conditions are bad, that the people are semi-savages and that their fortunes are linked with those of Spain which is looked upon by many as a decadent nation. There is an appendix containing much valuable information concerning each country and three large size maps.

In the *Quick-step of an Emperor: Maximilian of Mexico* (Grant Richards, Ltd., pp. 280) George P. Messervy attempts to correct what he regards as a misrepresentation of Maximilian's motives and actions.

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In the preface the author makes the somewhat startling statement that "if Maximilian had been allowed by the United States to reign . . . . there would have been a stable government and a prosperous people in Mexico today," and that "Mexico civilized . . . . like Canada would be a more desirable neighbor" to the United States. It is difficult to agree with all of Mr. Messervy's conclusions, but the book makes interesting reading.

An Introduction to the Study of Labor Problems (pp. xv, 664), by Professor Gordon S. Watkins of the University of Illinois, has recently been published by Thomas Y. Crowell Company as one of its Social Science Series. This comprehensive and systematic work will doubtless be widely adopted as a text book for college courses. It is divided into three parts: the nature and development of the problems, analysis of the problems, and agencies and methods of adjustment. At the end of each chapter are selected references for further reading. The author does not give any original or exhaustive treatment of questions of principle. His book is distinguished rather for its sympathy with labor aspirations and its skillful summaries of experience and present conditions in the field of industrial relations.

A History of Trade Unionism in the United States by Selig Perlman (Macmillan's, pp. 313) is in part a summary of the work in labor history done by Professor John R. Commons and his collaborators at the University of Wisconsin, and in part an attempt by the author to carry this work further. In both respects the volume is useful; it summarizes a great deal of material in concise and readable form, and it adds some good chapters on recent developments. The ten pages on "why there is not an American Labor Party" are of particular interest to the student of American politics.

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RECENT PUBLICATIONS OF POLITICAL INTEREST

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University of Illinois

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AMERICAN GOVERNMENT AND POLITICS

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